

San Francisco Planning Department

22 - 30 ALTA STREET

Final Environmental Impact Report

97.433E

Draft EIR Publication Date: November 7, 1998

Draft EIR Public Hearing Date: December 10, 1998

Draft EIR Public Comment Period: November 7, 1998 to December 22, 1998

FEIR Certification: August 10, 2000

Changes from the text of the Draft EIR are indicated by solid lines in the margin location of each revised section, paragraph, graphic or table.

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File No.: 97.433E: 22-30 Alta Street
Assessor's Block 106, Lot 34A

SAN FRANCISCO
CITY PLANNING COMMISSION

MOTION NO. 15938

**ADOPTING FINDINGS RELATED TO THE CERTIFICATION OF A FINAL ENVIRONMENTAL
IMPACT REPORT FOR A PROPOSED RESIDENTIAL BUILDING, LOCATED AT 22-30 ALTA
STREET, ADJACENT TO THE FILBERT STEPS AND GRACE MARCHANT GARDEN.**

MOVED, That the San Francisco Planning Commission (hereinafter "Commission") hereby CERTIFIES the Final Environmental Impact Report identified as case file No. 97.433E: 22-30 Alta Street (hereinafter "Project") based upon the following findings:

1) The City and County of San Francisco, acting through the Planning Department (hereinafter "Department") fulfilled all procedural requirements of the California Environmental Quality Act (Cal. Pub. Res. Code Section 21000 et seq., hereinafter "CEQA"), the State CEQA Guidelines (Cal. Admin. Code Title 14, Section 15000 et seq., (hereinafter "CEQA Guidelines") and Chapter 31 of the San Francisco Administrative Code (hereinafter "Chapter 31").

a. The Department determined that an Environmental Impact Report (hereinafter "EIR") was required and provided public notice of that determination by publication in a newspaper of general circulation on May 9, 1998, and amended on October 7, 1998.

b. On November 7, 1998, the Department published the Draft Environmental Impact Report (hereinafter "DEIR") and provided public notice in a newspaper of general circulation of the availability of the DEIR for public review and comment and of the date and time of the Planning Commission public hearing on the DEIR; this notice was mailed to the Department's list of persons requesting such notice.

c. Notices of availability of the DEIR and of the date and time of the public hearing were posted near the project site by Department staff on November 30, 1998.

d. On November 7, 1998 copies of the DEIR were mailed or otherwise delivered to a list of persons requesting it, to those noted on the distribution list in the DEIR, to adjacent property owners, and to government agencies, the latter both directly and through the State Clearinghouse.

e. Notice of Completion was filed with the State Secretary of Resources via the State Clearinghouse on or immediately after November 7, 1998.

2) The Commission held a duly advertised public hearing on said Draft Environmental Impact Report on December 10, 1998, at which opportunity for public comment was given, and public comment was received on the DEIR. The period for acceptance of written comments ended on December 10, 1998.

3) The Department prepared responses to comments on environmental issues received at the public hearing and in writing during the 33-day public review period for the DEIR, prepared revisions to the text of the DEIR in response to comments received or based on additional information that became available during the public review period, and corrected errors in the DEIR. This material was presented in a "Draft Summary

of Comments and Responses," published on June 15, 2000, which also described modifications to the project sponsor's proposal. The Draft Summary of Comments and Responses document was distributed to the Commission and to all parties who commented on the DEIR, and was available to others upon request at Department offices.

4) A Final Environmental Impact Report has been prepared by the Department, consisting of the Draft Environmental Impact Report, any consultations and comments received during the review process, any additional information that became available, and the Summary of Comments and Responses all as required by law.

5) Project Environmental Impact Report files have been made available for review by the Commission and the public. These files are available for public review at the Department offices at 1660 Mission Street, and are part of the record before the Commission.

6) On August 10, 2000, the Commission reviewed and considered the Final Environmental Impact Report and hereby does find that the contents of said report and the procedures through which the Final Environmental Impact Report was prepared, publicized and reviewed comply with the provisions of CEQA, the CEQA Guidelines and Chapter 31 of the San Francisco Administrative Code.

7) The Planning Commission hereby does find that the Final Environmental Impact Report concerning File No. 97.433E: 22-30 Alta Street reflects the independent judgment and analysis of the City and County of San Francisco, is adequate, accurate and objective, and that the Summary of Comments and Responses contains no significant revisions to the Draft Environmental Impact Report, and hereby does CERTIFY THE COMPLETION of said Final Environmental Impact Report in compliance with CEQA and the CEQA Guidelines.

8) The Commission, in certifying the completion of said Final Environmental Impact Report, hereby does find that the project described in the Environmental Impact Report will not have a significant effect on the environment.

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission at its regular meeting of August 10, 2000.

Linda Avery
Commission Secretary

AYES: Commissioners Theoharis, Mills, Chinchilla, Joe, Salinas, and Richardson

NAYES: None

ABSENT: Commissioner Antenore

ADOPTED: August 10, 2000

San Francisco Planning Department

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CHAPTER I

SUMMARY

A. PROJECT DESCRIPTION (p. II-1)

The project site is 22-30 Alta Street in the Telegraph Hill neighborhood of San Francisco, on the north side of Alta Street, at the end of a dead-end street. Alta Street is between Union and Filbert and Montgomery and Sansome Streets. The project site is adjacent to the Filbert Street right-of-way, which includes the Grace Marchant Garden and Filbert Steps, and is located within the Telegraph Hill Historic District. The 7,500 (120' x 62.5') square-foot site consists of Lot 34A of Assessor's Block 106, and is currently vacant except for the remains of a previous apartment building foundation that was razed by the City in 1992.

The project would construct a six level, three-unit residential condominium structure. The building would include approximately 5,900 square feet (sq. ft.) of living space, or about approximately 1,950 sq. ft. per unit. Parking and circulation space, including the lobby, would total about 2,200 sq. ft., for a total of about 8,100 sq. ft. The proposed building would cover about 36 percent of the lot.

The building height, measured according to the Planning Code, would be approximately 32 feet above street grade on Alta Street. At the rear, the maximum dimension along the north elevation would be approximately 73 feet, achieved in four separate wall planes, each set back from the one below. On the east elevation, the building would rise about 82 feet above the top of the steep slope. A parking garage would be located at street level (overall level four) with space for five automobiles. Entrance to the structure would be from Alta Street for pedestrians and vehicles. No demolition of existing structures would be involved. A rear exit would be located on the north side of the building. An existing low concrete wall that runs along the eastern edge of Alta Street, and that was extended in front of the entire length of the project site subsequent to the previous building located on the site being torn down, would be altered to remove the portion of it that that extends along the project site.

The Alta Street (south) elevation would include two stories of bay windows with horizontal banding above a solid garage door. The building design's Moderne references include curved terraces and building edges, cantilevered balconies, a cement plaster finish, horizontal window banding, and pipe terrace railings. Each of the six levels of the building would include a terrace of varying size.

Although the site is currently vacant, the Fred McNear Jr. Apartment Building was located there from 1935 to 1992.¹ This structure was a five-level, 3,300-occupied-square-foot, five-unit Moderne building. The building was deemed unsafe for habitation and demolished by the City subsequent to storm-related damage to the foundation. The proposed project is intended to replace this destroyed building and takes cues from its Moderne architectural qualities.

The project site is within an RH-3 (Three-Family) District and a 40-X Height and Bulk District (40 foot maximum height limit, no bulk limit). The project would be a permitted use in the RH-3 district and would comply with Planning Code requirements concerning height, bulk, and use in the district in which it would be located. Project construction would take about 12 months, with occupancy planned for late 1999.

B. AREAS OF CONTROVERSY AND ISSUES TO BE RESOLVED

This environmental impact report, for a proposed condominium project at 22-30 Alta Street, focuses on the issues of historic architectural resources and shadow as potential significant effects of the project, but also addresses land use, visual quality, geology, and biology as topics included for informational purposes. All other potential environmental effects were found to be at a less-than-significant level or to be mitigated to a level of less-than-significance with mitigation measures agreed to by the project sponsor. Please see the Initial Study, included in this document as Appendix A, for analysis of issues other than those addressed in this document.

The principal issues addressed in this environmental impact report are four-fold: the compatibility of the design (size, mass, and architectural style) of the proposed structure with the Telegraph Hill Historic District in which it would be located; the potential for impacts on the Grace Marchant Garden either by shadows cast by the proposed structure or during the course of the structure's construction; the potential blockage of views created by the location of the proposed structure; and the safety of building a structure of this size (or any structure at all) on a site that required the former apartment building located there to be razed by the City in 1992 and is considered by some to be geologically unsuitable for development. Nearby residents and others concerned with the historic and architectural/landscape resources of the neighborhood have expressed concern on a variety of specific components of the project that relate to one or more of these issues. According to the project sponsor, subsequent to discussion with the neighborhood regarding two earlier designs, one of which was reviewed by the Architectural Review Committee of the Landmarks Preservation Advisory Board (LPAB), a public hearing before the Architectural Review Committee was held November 5, 1997, regarding a third proposal by the project sponsor. At this hearing, members of the public and the Architectural Review Committee expressed their concerns about the proposed design. At that hearing, the Architectural Review Committee made the following recommendations to the project sponsor:

- The project in its current design would be denied a Certificate of Appropriateness were it to return to the full Board.
- Clarify issues of shadow impact on the Grace Marchant Garden.
- Reduce the mass and size of the building be compatible visually/aesthetically with neighboring buildings. A smaller building is recommended. The building should be a cottage style to meet the intent of Article 10; Return to the Planning Department staff with future design proposals.

The proposed project is the same project reviewed by the Architectural Review Committee at that hearing.

¹ Although not commonly known as or referred to by this name, for purposes of this document, the former building located at 22-30 Alta Street will be referred to as the McNear building. According to David Myrick, in his book entitled *San Francisco's Telegraph Hill*, the former building is officially named the Fred McNear Jr., Apartment Building.

C. MAIN ENVIRONMENTAL EFFECTS

HISTORIC ARCHITECTURAL RESOURCES (p. III.B-1)

The project site is located in the Telegraph Hill Historic District, which was adopted by the Board of Supervisors in 1986 and which includes 80 structures and 15 undeveloped parcels. The unbuilt areas, including the cliff lots and particularly the Filbert Street right-of-way (which includes the Filbert Steps and Grace Marchant Garden) are visually and functionally integrated into the district's center as open space. Inextricably linked to the visual and recreational nature of the Steps is the Grace Marchant Garden (Garden), which itself is a unique and important component to the district. The Garden is located in the Filbert Street right-of-way, but extends into parcels that border on the street right-of-way, such as the project site. All or part of this local historic district may be eligible for listing on the National Register of Historic Places and the California Register of Historical Resources. The project is subject to the provisions of Appendix G to Article 10 of the Planning Code due to its location within the district.

The project's impact would not result in substantial modifications to the historic district as a whole, nor would it result in a compromise in the integrity or significance of any of the adjacent buildings that are identified as Contributory to the district. This conclusion is substantiated by three primary factors. First, the relative size of the proposed project represents a nominal change to the district's setting. Since the proposed project involves the construction of a single code-complying structure on a single piece of property within an historic district that includes eighty structures and covers many blocks, the resultant change is insufficiently large to compromise the significance of the district itself or to affect the significance of other surrounding properties in any meaningful way.

Second, as a replacement for a lost Contributory structure, the project would not irreparably or substantially alter the historic setting as a character-defining feature of the district or the nearby buildings. While the proposed building would provide parking, and would be taller, wider, and enclose more square footage than its predecessor, the degree of change would be insufficient to adversely affect any neighboring building's Contributory status. Third, as part of the Certificate of Appropriateness process, the proposed project is subject to review and approval by the Director of City Planning and/or the City Planning Commission acting with advice from LPAB. As such, the project would be closely evaluated for its compatibility with the guidelines set forth in Appendix G of Article 10 of the Planning Code.

VISUAL QUALITY (p. III.C-1)

The project would result in a visual change to the site and the Telegraph Hill neighborhood/historic district. The project would not be of a style similar to that of most of the buildings immediately surrounding the project site, although would share design characteristics with other Modern buildings in the neighborhood. Because the project would not visually alter the overall residential character of the existing neighborhood, be of such a scale as to stand out from locations other than those with direct views of the site, or introduce building materials or an architectural style that are foreign to the surrounding neighborhood, the project would not result in a substantial, demonstrable negative aesthetic effect.

There are three primary vantage points from which the site can be viewed: the intersection of Sansome and Filbert Streets, the Filbert Steps, and Alta Street east of Montgomery Street. From the most distant of the three views, approximately three-quarters of the building's overall mass would be visible. From this vantage point, the proposed structure would block views of the east elevation of 34 Alta Street, almost all of the north elevations of 34 and 40 Alta Street, the very top of a building across Alta Street from the site, and a patch of open sky. A viewer of the site from this perspective would see the proposed building relatively closer than the slightly more distant existing structures. When compared to pre-1992 conditions when the McNear building was located on the site, the project would result in only a minimal change.

From the middle range view, approximately half of the building's overall mass would be visible. From this vantage point, the proposed structure would block views of the vacant project site, the Alta Street retaining wall, the upper portions of buildings on the south side of Alta Street (17 and 19 Alta), and a patch of open sky. Views of the Grace Marchant Garden in the foreground would not be altered, although visitors to the Garden would have less open sky and more building mass in their viewshed when looking up towards the project site. The building would appear as an eastward extension of the existing building wall on the north side of Alta Street, although this would not substantially detract from the visual experience of the Garden. When compared to pre-1992 conditions when the McNear building was located on the site, the project would result in only a minimal change.

From the closest of the three views, approximately one third of the building's overall mass would be visible from this viewpoint. From this vantage point, the proposed structure would block views of the upper portion of the east elevation of 34 Alta Street, other buildings within the neighborhood in the distance, and a patch of open sky. From the viewpoint of looking eastward to the site from Alta Street, part of the view of the Bay, East Bay hills, Yerba Buena and Treasure Islands, and San Francisco piers would be obstructed. Compared to pre-1992 conditions when the McNear building was located on the site, the project would result in only a minimal change.

The changes to the site and surrounding areas as a result of the proposed project would be comparable to the results of the development on other sloping sites in San Francisco. Because view blockage would generally be limited to portions of adjacent and nearby building, the above changes would not be considered to substantially degrade or obstruct any scenic view or vista now observed from public areas. The partial obstruction of views dominated by typical urbanized uses would not be considered substantial impairment of existing scenic views or vistas.

SHADOW (p. III.D-1)

The project site is among multi-story residential buildings on Alta and Montgomery Streets, which are two to four stories on their Alta Street frontages and up to six stories tall on their downslope facades. The project site is south of and adjacent to the Filbert Steps and the adjoining Grace Marchant Garden (Garden). Much of the Garden and the Filbert Steps, as well as much of the yards of the site and of the residences adjacent to the site and Garden, are currently in shadow all day from late November until late January and after mid-day from late January until early March and from early October until late November.

The project would add new shadow to the most intensively maintained eastern portion of the Garden in the morning and early afternoon in March and September, as well as in the morning in December, when most of the eastern Garden is already in shade and new shadow would fall near the Filbert Street steps. In June, shadows would be limited by the height of the sun, and no new shadow would reach the Garden.

GEOLOGY AND SEISMICITY (p. III.E-1)

A series of rockfalls have occurred in the vicinity of the project site since quarry operations ceased on Telegraph Hill in 1915. In 1992, following repaving by the City on Alta Street, a rockfall occurred on the slope at the foot of Alta Street dislodging and depositing talus on to the adjacent property to the east. The structure located at 22-30 Alta Street was demolished by the City as a result of the undermining of the building's foundation by this rockfall.

Considering past slope movements on the site, it can be assumed that future slope movement could take place in the more fractured, weathered shale rock overlying the sandstone, and rockfalls could continue occur on the steeper portions of the project site. Rockfalls from the project site are less likely to occur on the gradual northern slope and therefore are not likely to affect people or property in the vicinity of the Filbert Steps or Grace Marchant Garden. Compliance with the geotechnical recommendations and applicable Uniform Building Code (as modified for San Francisco) provisions would reduce the likelihood of future slope failure and rockfall hazards to a less-than-significant level.

Since the project site is located in proximity to known active faults in the San Francisco Bay Area, the proposed residential building would be subjected to seismically induced forces. Compliance with applicable current codes and recommendations of the project's geotechnical reports would reduce the impact of seismically induced structural damage to a less-than-significant level. Incorporation into the project of the slope treatments such would also reduce to a less-than-significant level the potential impact of seismically induced slope failure. Compliance with Title 24 standards and the San Francisco Building Code would reduce the impact of damage from unsecured objects in an earthquake to a less-than-significant level.

Preliminary recommended design of the building foundation involves the placement of approximately 32 interconnected straight-shaft reinforced 24-inch diameter concrete piers. A surface foundation, consisting of an interconnecting system of tie beam/shear walls, would connect to the piers. Possible hazards associated with such construction could include worker injury or death by falls, unstable or falling construction equipment, and ground vibration causing rock or debris to dislodge and roll down-

slope. Equipment and rocks falling from the project site during construction could result in damage to properties below or injury or death of people in the vicinity of the construction operations. Compliance with a strict health and safety plan, developed and implemented for this particular site would reduce the occurrence of construction-related accidents and therefore this impact would be less-than-significant.

BIOLOGY (p. III.F-1)

The Grace Marchant Garden is located adjacent to, and partially extending into, the project site. It includes maintained landscaping within the Filbert Street right-of-way as well as portions of adjoining private parcels. The project would have the potential to impact the Garden in three different ways.

First, construction of the proposed project would replace the old concrete foundations and extend onto a portion of the weedy, un-maintained area of the project site. The loss of this habitat, currently occupied by weeds and un-maintained ornamental vegetation, would represent a minor and less-than-significant loss of habitat. No special-status plant or animal species or their habitat would be adversely affected. Because the footprint of the proposed building contains no large or scenic trees, no such resources would be affected.

Second, during construction, some additional surface disturbance would occur beyond the building footprint, resulting in additional loss of vegetation. Depending on the extent of surface disturbance beyond the building footprint, construction could result in the direct loss of a portion of landscaped vegetation that is part of the Garden. In addition, there could be some adverse impacts from debris sliding or rolling downslope into the Garden. This impact would be adverse because of its effect on the Garden, however, because it would not substantially impact rare and endangered species or habitats, and would not require removal of substantial numbers of large or scenic trees, it would be considered less than significant.

Third, the impact of the increased shading to the Garden would be to favor a palette of slightly more shade-tolerant species, especially in the area nearest the proposed building. Most of the planted species currently in the Garden are already somewhat tolerant of shade, since the exposure and existing buildings already cast shade into the Gardens. In addition, the plantings put in place prior to 1992 were established when the shade regime included the former building, which cast about three-fourths as much shade as the proposed structure. Therefore, most of the plantings currently in the Garden, especially the older ones, are expected to continue to thrive.

Some species, such as roses, benefit from direct sun for a portion of the day during the growing season. Since the portion of the Garden with rose plantings (primarily in the northern portion of the project property and the adjacent area of the Filbert Street right-of-way) would receive less direct sun as a result of the project, there would likely be detectable adverse effects on these plantings. However, most of the plantings in the intensively gardened portion of the Garden are expected to continue to grow and flower, as they did when the previous building was in place and light conditions were similar to those projected with the new building in place. The intensively gardened portion of the Garden would continue to provide

suitable habitat for a greater variety of open shade-loving plants than would the less intensively-gardened portion.

D. MITIGATION MEASURES (p. IV-1)

MEASURES PROPOSED AS PART OF THE PROJECT

As described in the attached Initial Study (Appendix A), the proposed project has the potential to temporarily affect local air quality as a result of construction activities. As a result, the project sponsor has agreed to implement the following mitigation measure:

- The project sponsor would require the contractor(s) to sprinkle exterior demolition sites with water during demolition, excavation and construction activity; sprinkle unpaved exterior construction areas with water at least twice per day; cover stockpiles of soil, sand, and other material; cover trucks hauling debris, soil, sand or other such material; and sweep surrounding streets during demolition and construction at least once per day to reduce particulate emissions. Ordinance 175-91, passed by the Board of Supervisors on May 6, 1991, requires that non-potable water be used for dust control activities. Therefore, the project sponsor would require that the contractor(s) obtain reclaimed water from the Clean Water Program for this purpose.

E. ALTERNATIVES TO THE PROPOSED PROJECT (p. VI-1)

ALTERNATIVE A: NO PROJECT

This alternative would entail no change to the site, which would remain in its existing vacant condition. If the No Project Alternative were implemented, no impacts of the project would occur.

ALTERNATIVE B: REPLACEMENT ALTERNATIVE

This alternative would involve the construction of a new structure on the site that would generally be a replica of the Fred McNear Jr. Apartment Building that occupied the site from 1935 to 1992, except that this alternative, like the project, would include three residential units, rather than five units as existed in the prior building. Construction of this replacement structure would not create any new shadow effects or impacts to the Telegraph Hill Historic District when compared to the site's pre-1992 conditions.

Construction of a structure under this alternative's conditions would create new shadow impacts on surrounding properties and the Grace Marchant Garden when compared to existing conditions. Under this alternative, geological impacts on the project site would be similar to those identified for the proposed project. Although there are no potentially significant impacts associated with the proposed project, this alternative would be considered the environmentally superior alternative because it would not introduce any new shadow impacts to the site, surrounding neighborhood, or Telegraph Hill Historic District when compared to the Fred McNear, Jr. Apartment Building that occupied the site from 1935 to 1992.

ALTERNATIVE C: SINGLE-FAMILY DWELLING

Alternative C would consist of a five-story single-family dwelling, rather than three condominium units. Alternative C would be about 23 feet tall according to the Planning Code, compared to 32 feet for the proposed project, and would have a rear height of about 64 feet, compared to about 73 feet for the proposed project. It would be about three feet wider than the proposed project on Alta Street, and would extend six feet less far north than the proposed project. This alternative would have two on-site parking spaces in a garage on Alta Street.

Effects of this alternative would be similar to, or incrementally less substantial than, those of the proposed project. Because of the reduced height, shadow effects would be somewhat less than those of the project, but somewhat more than those of the former McNear building that previously existed on the site. As with the proposed project and Alternative B, shadow impacts would be less than significant. Effects related to land use, historic architectural resources, visual quality, geology and seismicity, and biological resources would be similar to those of the proposed project and, like those of the project, would be less than significant.

CHAPTER II

PROJECT DESCRIPTION

A. SITE LOCATION AND PROJECT CHARACTERISTICS

The project site is 22-30 Alta Street in the Telegraph Hill neighborhood of San Francisco, on the north side of Alta Street, at the end of a dead-end street. Alta Street is between Union and Filbert and Montgomery and Sansome Streets (see Figure 1). The project site is adjacent to the Filbert Street right-of-way, which includes the Grace Marchant Garden and Filbert Steps, and is located within the Telegraph Hill Historic District. The 7,500 (120' x 62.5') square-foot site consists of Lot 34A of Assessor's Block 106, and is currently vacant except for the remains of a previous apartment building foundation that was razed by the City in 1992. The rectangular site slopes very steeply down the face of Telegraph Hill to the north and east, dropping more than 60 feet vertically over its 120-foot horizontal length.

The project would construct a six level, three-unit residential condominium structure. The building would include approximately 5,900 square feet (sq. ft.) of living space, or about approximately 1,950 sq. ft. per unit. Parking and circulation space, including the lobby, would total about 2,200 sq. ft., for a total of about 8,100 sq. ft. Each unit would be on two levels and would have a distinct floor plan from the other units. Each unit would have two bedrooms and two would have two bathrooms, while one would have three bathrooms.

The proposed building would cover about 36 percent of the lot.¹ The building would be setback from 17 to 22 feet from the east lot line (location of the stairwell) and more than 51 feet from the rear (north) property line, about 25 feet north of the northern face of 34 Alta Street, the building adjacent to the project site on its western property line. There would be no setbacks from the front (south) or west lot lines.

The building height, measured according to the Planning Code², would be approximately 32 feet above street grade on Alta Street. At the rear, the maximum dimension along the north elevation (from grade to roof) would be approximately 73 feet, achieved in four separate wall planes, each set back from the one below. On the east elevation, the building would rise about 82 feet above the top of the steep slope. A parking garage would be located at street level (overall level four) with space for five automobiles. Entrance to the structure would be from Alta Street for pedestrians and vehicles. No demolition of

¹ Because of the site's steepness, particularly its eastern edge, it is likely that portions of the site are not suitable for development.

² For structures on downward sloping lots, the height of a building for Planning Code purposes is measured from the midpoint of the curb in front of the building for the first 100 feet of lot depth (Section 102.12B).



existing structures would be involved. A rear emergency exit would be located on the north side of the building (see Figure 2). An existing low concrete wall that runs along the eastern edge of Alta Street, and that was extended in front of the entire length of the project site subsequent to the previous building located on the site being torn down, would be altered to remove the portion of it that extends along the project site.

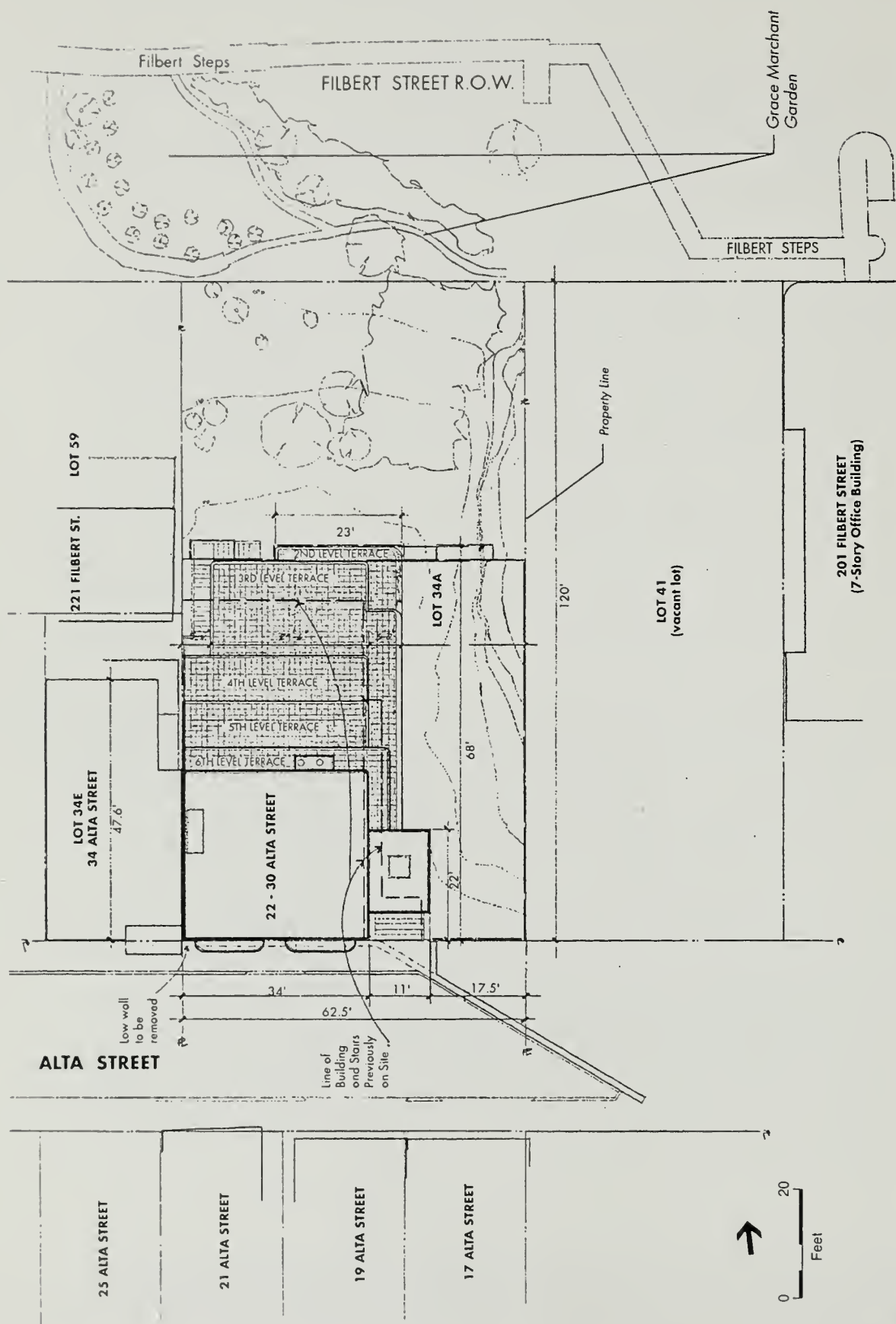
The Alta Street (south) elevation would include two stories of bay windows with horizontal banding above a solid garage door (see Figure 3). An entrance along the eastern side of the south elevation would include metalwork and etched glass above the doorway and a skylight over the entrance lobby. The exterior would have a cement plaster finish. A building logo and the street name and address would be displayed on a cantilevered extension of the second-story facade that would serve to shelter the entry. The building design's Moderne references include curved terraces and building edges, cantilevered balconies, a cement plaster finish, horizontal window banding, and pipe terrace railings.

The western elevation of the building would primarily be adjacent to the existing apartment building at 34 Alta Street, however a portion of the proposed structure would extend beyond 34 Alta Street downslope to the north (see Figure 4). Each of the six levels of the building would include a terrace of varying size, that would wrap along the rear (north) and east-facing elevations of the building (see Figure 5). The southern portion of the east elevation would include an enclosed stairwell with three small rectangular windows at levels 3-5 and four rectangular glass block windows at levels 3-6 (see Figure 6).

Although the site is currently vacant, the Fred McNear, Jr. Apartment Building was located there from 1935 to 1992.³ This structure was a five-level, 3,250-occupied-square-foot, five-unit Moderne building (about 3,750 total sq. ft. including lobby and circulation space). It rose one and one-half levels above Alta Street and extended three and one-half levels below Alta Street at the rear, or five stories in all, compared to six stories currently proposed. The McNear building had no on-site parking.

In 1992, while roadwork was being performed on Alta Street by the City that included removing the street's top concrete layer, two weeks of unexpected heavy rain fell on the City during what had been a drought year. The McNear building had been built with a shallow footing on the loose rock of the site and the rainfall led to the building's foundation being undermined. The concrete was subsequently replaced on the street, but the McNear building was ultimately deemed unsafe for habitation and demolished by the City. Subsequently, the City undertook major stabilization measures, including but not limited to: substantial scaling of loose rock, a pier-supported wall at the end of Alta Street, installation of rockbolting, and rockfall netting. The proposed project is intended to replace this destroyed building and takes cues from its Moderne architectural qualities.

³ Although not commonly known as or referred to by this name, for purposes of this document, the former building located at 22-30 Alta Street will be referred to as the McNear building. According to David Myrick, in his book entitled *San Francisco's Telegraph Hill*, the former building is officially named the Fred McNear Jr., Apartment Building.

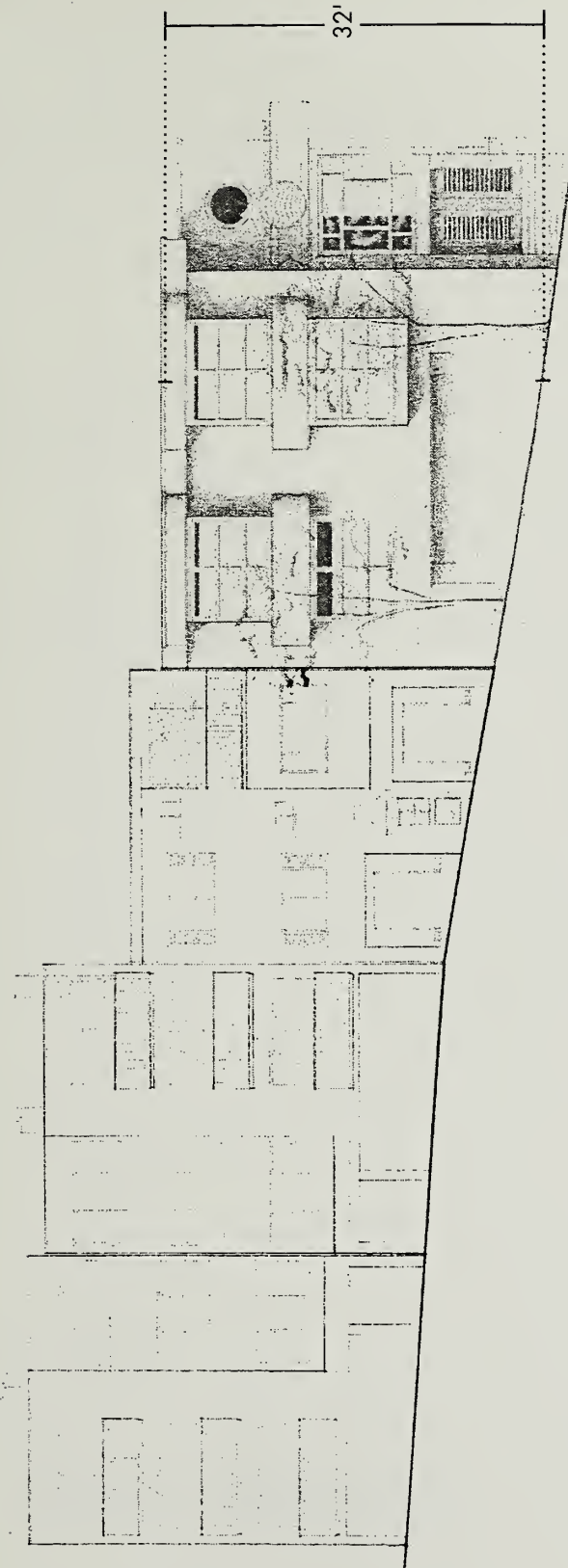


22-30 Alta Street

Figure 2

Site/Roof Plan

SOURCE: McEachron Architects Inc.



Existing Buildings Proposed Project

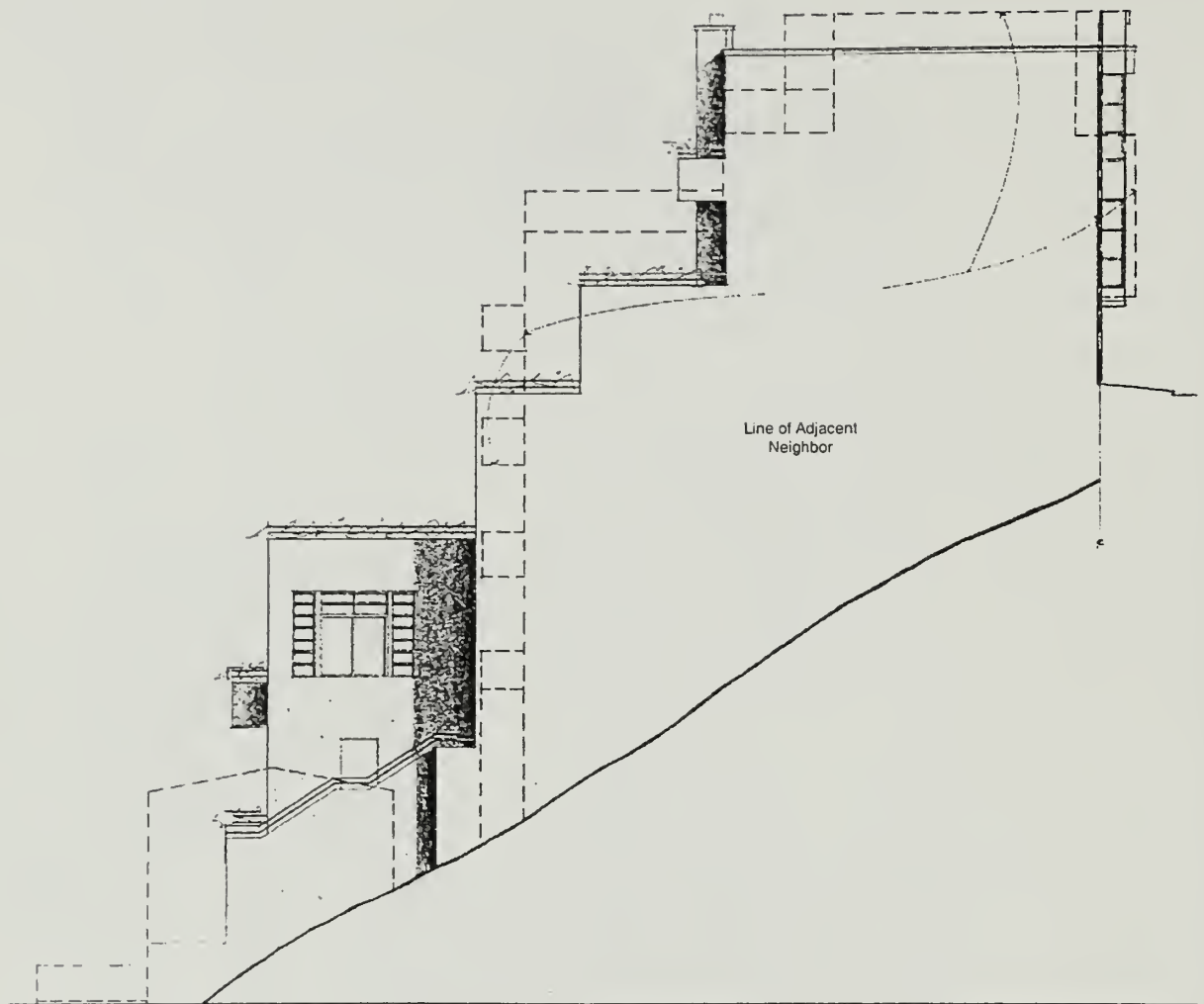
0 16
Feet

22 - 30 Alta Street

Figure 3

South Elevation

SOURCE: Melachron Architects Inc.

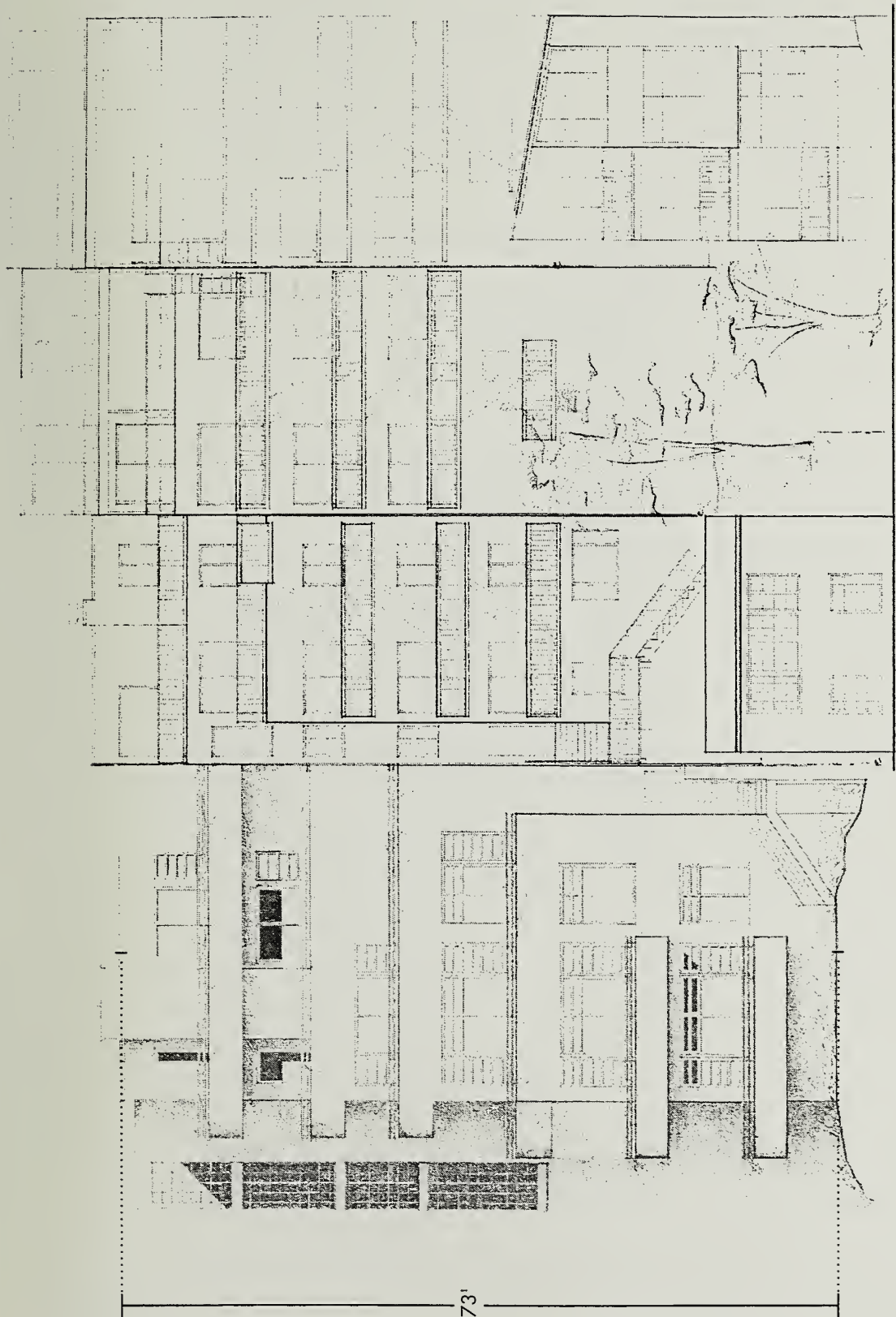


0 16
Feet

SOURCE: McEachron Architects Inc.

22 - 30 Alta Street ■

Figure 4
West Elevation



0 16
Feet

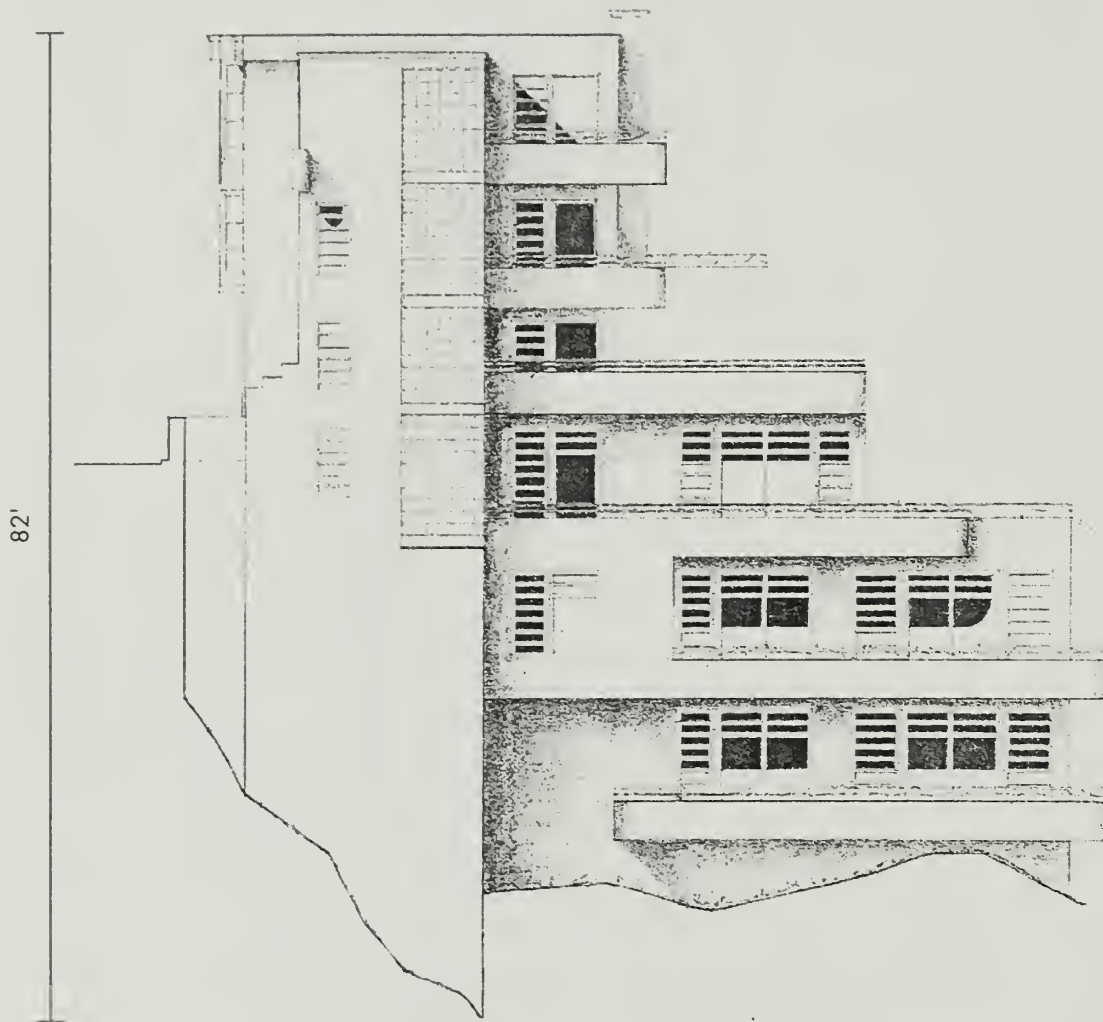
Existing Buildings

Proposed Project

22 - 30 Alta Street

SOURCE: McEachron Architects Inc.

Figure 5
North Elevation



0 16
Feet
SOURCE: McEachron Architects Inc.

22 - 30 Alta Street ■

Figure 6
East Elevation

The project site is within an RH-3 (Three-Family) District and a 40-X Height and Bulk District (40-foot maximum height limit, no bulk limit). This district allows three units per lot and one unit per 1,000 sq.ft. of lot area as a conditional use (a maximum of seven units would be permitted on the subject site). The project would be a permitted use in the RH-3 district and would comply with Planning Code requirements concerning height, bulk, and use in the district in which it would be located. Project construction would take about 12 months, with occupancy planned for late 1999. The project architects are McEachron Architects and Pfau Architecture. The project's principal characteristics are summarized in Table 1.

In addition, a number of slope stabilization measures are proposed as part of the project, including:

- installation of a system of vertical piers, some as deep as 40 feet, into the slope and restrained from later movement by a system of beams and walls;
- installation of a drainage system that would include horizontal drains of more 30 feet in length to ensure proper runoff;
- installation of additional prestressed rockbolts in the various locations on the bedrock slope to supplement those installed in 1993;
- installation of gabion wire netting across the upper portions of the slope face;
- shotcrete covering or structural wire mesh could be used to reduce bedrock raveling thus reducing maintenance of the upper slope (gunite would also reduce surface water infiltration);
- removal of loose or overhanging rocks and installation of rock netting to reduce future rockfalls and contain talus; and
- direction of surface drainage away from the foundation of the proposed structure (via a connection to the existing city storm drainage system) to avoid water flowing or ponding adjacent to the foundation.

The property owner has recorded a Notice of Permissive Use acknowledging that the public has the permission of the owner to make use of a portion of the property subject to control by the owner, allowing gardening on the unbuilt portion of the project site, to the rear (north) of the building site, where the site lot adjoins the Filbert Steps. The project sponsor has indicated that it will offer to dedicate this portion of the site for public gardening activities on a permanent basis if the project is approved as proposed.

B. PROJECT SPONSOR'S OBJECTIVES

The project sponsor has identified the following objectives for the project:

- to provide replacement housing with a comparable number of bedrooms to those included in the prior building that was demolished;
- to provide on-site parking, in contrast to the prior building that included no parking;

TABLE 1
PROJECT CHARACTERISTICS

Site zoning	RH-3, House-Three-Family
Height limit / Bulk limit	40 feet / none
Proposed / Previous use	Residential Units
Proposed height (each elevation)	32 feet (south), ^a 73 feet (north), and 82 feet (east)
Levels	Six
Setbacks	East = 17-22 feet, north = 51 feet, west and south = 0.
Parking spaces	Five
Site area	7,500 square feet
Floor area ^b	6,900 square feet
Number of units	Three
Living Area ^c	5,900 square feet
Average unit size	1,950 square feet
Total building area ^d	8,100 total square feet
Lot coverage	36 percent

^a As measured according to the Planning Code.

^b Floor Area, in occupied square feet, per Planning Code Sec. 102.10 (excludes parking but includes approximately 1,050 sq. ft. of interior common area and common stairs).

^c Excluding common areas.

^d Including approximately 1,200 square feet of parking, but excludes exterior building walls. Including exterior wall thickness, gross floor area (per Planning Code Sec. 102.9) would be approximately 8,550 square feet.

- to construct a building comparable in height, mass, and exterior treatment to existing nearby structures and to the Telegraph Hill Historic District, and a building that reflects the design characteristics of existing structures and the District;
- to ensure seismic and geologic safety in design and construction; and
- to provide economically viable home-ownership opportunities.

C. PROJECT APPROVAL REQUIREMENTS AND GENERAL PLAN POLICIES

This EIR will undergo a public comment period as noted on the cover, including a public hearing before the City Planning Commission on the Draft EIR. Following the public comment period, responses to written and oral comments will be prepared and published in a Draft Summary of Comments and Responses document. The EIR will be revised as appropriate and presented to the City Planning Commission for certification as to accuracy, objectivity, and completeness. No approvals or permits may be issued before the Final EIR is certified. The Department of Building Inspection would require a building permit for the construction of a new building. The Department of Public Works would require a minor street encroachment permit to rebuild the curb for access to the proposed parking garage.

A Certificate of Appropriateness would be required as set forth in Appendix G to Article 10 of the Planning Code for new construction within the Telegraph Hill Historic District. The Certificate of Appropriateness would be considered by the City Planning Commission upon the advice of the

Landmarks Preservation Advisory Board. Review for this approval would include an assessment of the proposed project's compatibility with the character of the historic district, compatibility with prevailing heights (both topographic and built), and appropriateness of design.

On November 4, 1986, the voters of San Francisco passed Proposition M, the Accountable Planning Initiative, which established eight Priority Policies. These policies are: preservation and enhancement of neighborhood-serving retail uses; protection of neighborhood character; preservation and enhancement of affordable housing; discouragement of commuter automobiles; protection of industrial and service land uses from commercial office development and enhancement of resident employment and business ownership; earthquake preparedness; landmark and historic building preservation; and protection of open space. Prior to issuing a permit for any project which requires an Initial Study under the *California Environmental Quality Act* (CEQA), or adopting any zoning ordinance or development agreement, the City is required to find that the proposed project or legislation is consistent with the Priority Policies.

The City and County of San Francisco *General Plan* provides general policies and objectives to guide land use decisions. In general, potential conflicts with the *General Plan* are considered by the decision-makers (normally the Planning Commission) independently of the environmental review process, as part of the decision to approve, modify or disapprove a proposed project. Any potential conflict not identified here could be considered in that context, and would not alter the physical environmental effects of the proposed project. Some of the key objectives and policies are noted below.

COMMUNITY SAFETY ELEMENT

Policy 2.1: Assure that new construction meets current structural and life safety standards.

Policy 2.3: Consider site soils conditions when reviewing projects in areas subject to liquefaction or slope instability.

Policy 2.5: Assess the risks presented by other types of potentially hazardous structures and reduce the risks to the extent possible.

Policy 2.9: Consider information about geologic hazards whenever City decisions that will influence land use, building density, building configurations or infrastructure are made.

RESIDENCE ELEMENT

Objective 1, Policy 4: Locate infill housing on appropriate sites in established neighborhoods.

Objective 2, Policy 1: Set allowable densities in established residential areas at levels which will promote compatibility with prevailing neighborhood scale and character.

Objective 12, Policy 4: Promote construction of well designed housing that conserves existing neighborhood character.

Objective 12, Policy 6: Modify proposed developments which have substantial adverse environmental impacts or otherwise conflict with the General (Master) Plan.

RECREATION AND OPEN SPACE ELEMENT

Objective 2, Policy 3: Preserve sunlight in public open spaces.

ENVIRONMENTAL PROTECTION ELEMENT

Objective 7, Policy 2: Protect land from changes that would make it unsafe or unsightly.

Objective 7, Policy 4: Assure correction of landslide and shore erosion conditions where it is in the public interest to do so.

Objective 7, Policy 5: Prohibit construction, as a general rule, on land subject to slide or erosion.

Objective 8, Policy 2: Protect the habitats of known plant and animal species and require a relatively natural environment.

URBAN DESIGN ELEMENT

Objective 1, Policy 1: Recognize and protect major views in the city, with particular attention to those of open space and water.

Objective 1, Policy 3: Recognize that buildings, when seen together, produce a total effect that characterizes the city and its districts.

Objective 2, Policy 4: Preserve notable landmarks and areas of historic, architectural or aesthetic value, and promote the preservation of other buildings and features that provide continuity with past developments.

Objective 2, Policy 6: Respect the character of older development nearby in the design of new buildings.

Objective 2, Policy 7: Recognize and protect outstanding and unique areas that contribute in an extraordinary degree to San Francisco's visual form and character.

Objective 3, Policy 1: Promote harmony in the visual relationships and transitions between new and older buildings.

Objective 3, Policy 2: Avoid extreme contrasts in color, shape and other characteristics which will cause new buildings to stand out in excess of their public importance.

Objective 3, Policy 3: Promote efforts to achieve high quality of design for buildings to be constructed at prominent locations.

Objective 3, Policy 4: Promote building forms that will respect and improve the integrity of open spaces and other public areas.

Objective 3, Policy 5: Relate the height of buildings to important attributes of the city pattern and to the height and character of existing development.

Objective 3, Policy 6: Relate to the bulk of buildings to the prevailing scale of development to avoid an overwhelming or dominating appearance in new construction.

Objective 4, Policy 15: Protect the livability and character of residential properties from the intrusion of incompatible new buildings.

CHAPTER III

ENVIRONMENTAL SETTING AND IMPACTS

This EIR examines effects of the proposed construction of a three-unit building on Alta Street east of Montgomery Street, on the east slope of Telegraph Hill. The prior building on the site was demolished, by the City of San Francisco following storm-caused damage to the building's foundation. This analysis compares the proposed project both to the existing condition (1998), as well as to the condition in which the prior building was extant.

A. LAND USE

LAND USE COMPATIBILITY

The Initial Study concluded that the project would not have adverse land use impacts. Land use information is included in the EIR for informational purposes, to orient the reader.

Situated in the Telegraph Hill Historic District, land uses adjacent to and near the project site are almost entirely residential. Immediately to the rear (north) of the site is the Filbert Street right-of-way, which includes the renowned Grace Marchant Garden (Garden) and the Filbert Steps (Steps) that transverse Telegraph Hill. Front and rear yards of some of the properties adjacent to the Filbert Street right-of-way (including the project site's) function as part of the Garden. The owner of the subject site has recorded a Notice of Permissive Use acknowledging that the public has the permission of the owner to make use of a portion of the property, subject to control by the owner, allowing gardening activities and maintenance of the Garden to the rear of the property. The project sponsor has indicated it will offer to dedicate this portion of the site for public gardening activities on a permanent basis if the project is approved as proposed. The project site is located on a dead-end street on which all of the buildings are residential. Adjacent to the west of the site is an existing multi-unit residential building. Across Alta Street to the south is a mix of residential buildings of varying size and age. To the east is a vacant lot that has similar dimensions to the project site and is exceptionally steep, dropping more than 80 feet vertically over 60 horizontal feet. At the base of this adjacent lot, along Sansome Street, is an office district composed mostly of mid-rise individual structures and the Levi's Plaza campus of buildings.

The project, construction of a new three-unit residential structure, would be compatible with existing nearby uses. The project site is within an area identified in both the General Plan and the Planning Code as acceptable for residential use.

With the proposed project, there would be no change in land use compared to the prior building on the site, nor would there be any land use incompatibility with other nearby residential buildings. Therefore, the project would not contribute to any cumulative changes in land use.

RECREATIONAL USE

The proposed project site is located adjacent to the Filbert Street right-of-way within which are located the Garden and Steps, both public recreational resources used by local residents and visitors to the neighborhood. Further, the City maintains a conservation easement over portions of the Garden, ensuring its maintenance as a public resource.

Although the project would have the potential for adverse effects to the Garden due to shadowing (as addressed in sections III.D, Shadow and III.F, Biology), there would not be the potential for the project to substantially diminish or conflict with the established recreational uses of the Garden and Steps. The Garden and Steps were used as recreational resources in a manner similar to how they are currently used during the period in which the McNear building occupied the project site. Subsequent to construction of the proposed project, residents and visitors would likely continue to use these resources as public open space. Further, construction activity for the proposed project would be temporary and would likely not result in direct impacts on recreational uses of the Garden or Steps. Therefore, the proposed project is not expected to conflict with the established recreational use of the project vicinity.

B. HISTORIC ARCHITECTURAL RESOURCES

SETTING

TELEGRAPH HILL HISTORIC DISTRICT

Overview

An historic district may be defined as an area possessing a significant concentration, linkage, or continuity of sites, buildings and structures that are united by past events, or aesthetically by plan or physical development. Historic districts are defined by their “period of significance” which is the length of time when a district attained the characteristics that give it significance. Building alterations and new construction within an historic district are usually controlled by the application of design guidelines that will help maintain a district’s architectural, historical and contextual continuity.

Background

Most of San Francisco’s Colonial buildings from the Spanish and Mexican periods were destroyed in the “great fire” in 1850. With the notable exceptions of Mission Dolores and a cluster of buildings in the Presidio, San Francisco’s oldest surviving buildings date from the American settlement of the area and are found within the boundaries of the 1906 fire zone. Three concentrations of such buildings survived that conflagration; they are clustered in Jackson Square, along the Vallejo Street crest of Russian Hill, and along the eastern slope of Telegraph Hill. Both Jackson Square and parts of Telegraph Hill have been designated as local historic districts by action of the Board of Supervisors, upon recommendation of the Planning Commission and the Landmarks Preservation Advisory Board (LPAB).¹ The Telegraph Hill Historic District became the sixth district to receive local historic district protection when it was adopted in August 1985.

Boundaries and Components

The Telegraph Hill Historic District is defined by a boundary located within the 1906 fire zone and covers only a small portion of the area known as Telegraph Hill. The district is centered on a concentration of surviving pre-1870s structures located on the north side of Filbert Street between Montgomery and Sansome Streets, including two small pedestrian streets, Napier Lane and Darrell Place, and related open spaces (see Figure 7). When adopted by the Board of Supervisors in 1986, the district contained 80 structures on 88 parcels, including: 44 contributing structures; 10 altered/contributing structures built during the district’s period of significance but lacking in integrity; 26 non-contributors that were built after 1941 that presumably lack architectural and/or historic significance; and 15 undeveloped parcels that are neither contributing or non-contributing because they are street rights-of-way or vacant lots. Since 1986, two Contributory buildings have been demolished (including one on the project site), two vacant lots have been built upon, and numerous structures have been altered. The non-contributing structures within the district are those built after the district’s period of significance that represent a change in the scale and

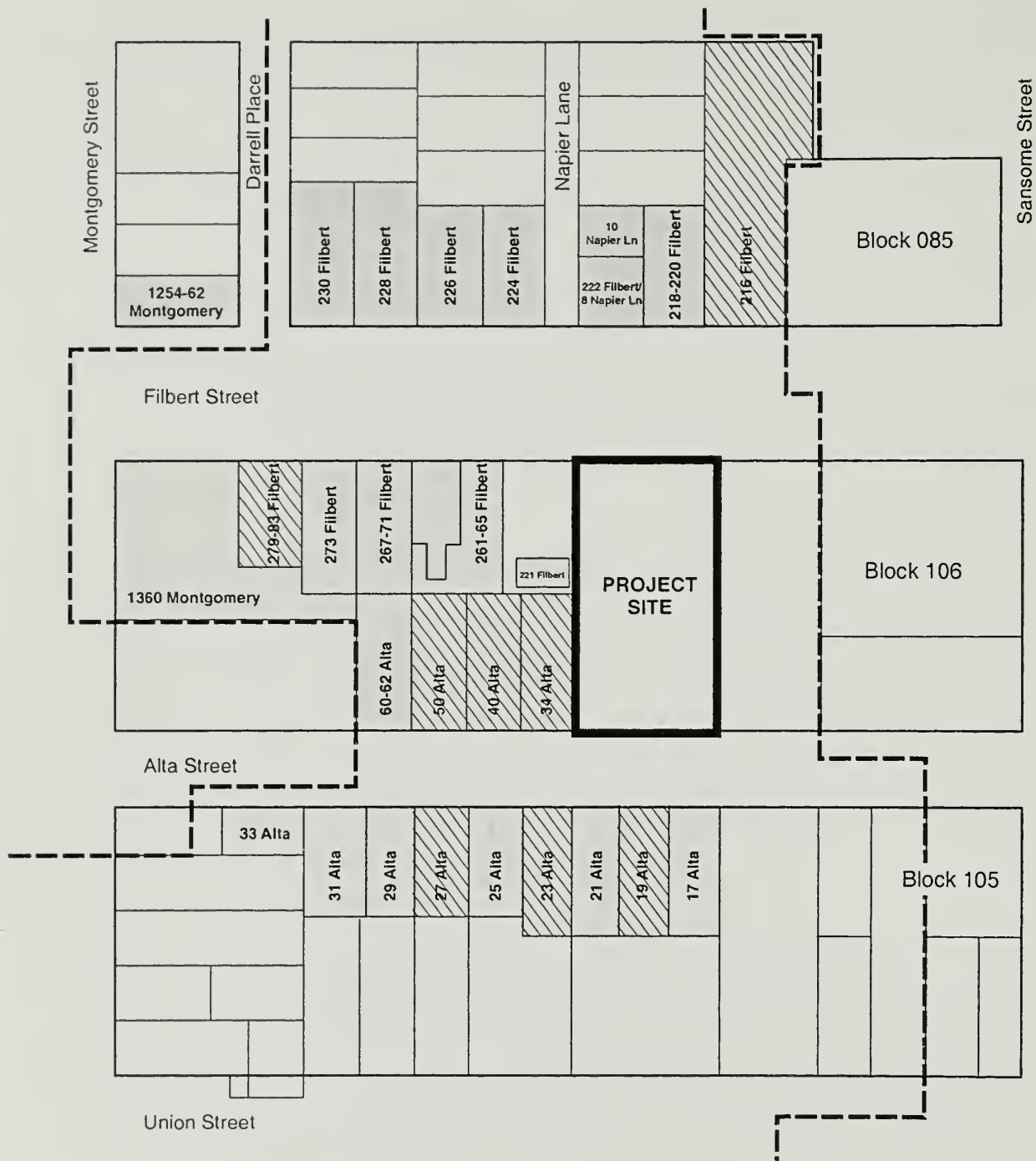
¹ Russian Hill remains unprotected as a local historic district, although the most historic parts of the Hill are listed as a National Register Historic District.



SOURCE: Environmental Science Associates

22 - 30 Alta Street ■

Figure 7
Telegraph Hill Historic District



- Historic District Boundary
- Contributory or Contributory/Altered
- ▨ Non-Contributory



Not to Scale

SOURCE: Environmental Science Associates

22 - 30 Alta Street ■

Figure 7A

Map of Nearby Contributory and Non-Contributory
Buildings of the Telegraph Hill Historic District

pattern of development and create physical barriers in the area that interrupt the visual and historic continuity of the district. All or part of this local historic district may be eligible for listing on the National Register of Historic Places and the California Register of Historical Resources.

The district includes steep street rights-of-way that are impassable except on foot, five vacant but buildable lots, and several other vacant but presumably unbuildable cliff lots. The unbuilt areas, including the cliff lots and particularly the Filbert Street right-of-way (which includes the Filbert Steps and Grace Marchant Garden) are visually and functionally integrated into the district's center as open space. The Filbert Steps (Steps) serve as a means for pedestrians to transverse Telegraph Hill and gain access to Coit Tower, and as such, attract numerous visitors for those purposes. Inextricably linked to the visual and recreational nature of the Steps is the Grace Marchant Garden (Garden), which itself is a unique and important component to the district as noted in the LPAB case report (See Appendix B). The Garden is located in the Filbert Street right-of-way, but because of an absence of property line fencing, visually extends into parcels that border on the street right-of-way. The project site is one such parcel. For a more detailed description of the Garden, see section III.F, Biology, below.

The Planning Code (Article 10, Appendix G, Section 6) explicitly states that "architectural features of the said Historic District that should be preserved are described and depicted in the Landmarks Preservation Advisory Board's case report with appendix"(see Appendix C). The case report recognizes the historic architectural merit of the district's buildings, states that the cliffs "are a highly significant and aesthetically important component defining the setting of the district," and notes that "unimproved street rights-of-way are valuable open space." The appendix to the case report notes, "the setting of walkways, gardens and cliffsides [as] an integral part of the district."

Period of Significance

The district's period of significance is from 1852-1941. The LPAB case report for the district found architectural, historical and contextual significance as expressed in the architecture, history, and development pattern that began with the concentration of pre-1870s cottages and ended with a group of pre-WWII buildings in the Moderne and International Styles built through 1941 (see Figure 8). The Telegraph Hill Historic District's Contributory² buildings represent at least nine successive or overlapping architectural styles. This is the largest collection of architectural styles found in any local historic district in San Francisco, and as such, the later buildings and styles share few characteristics with the earlier ones. Spanning nearly 90 years, the district's period of significance is composed of three relatively distinct local historical periods: the Settlement Period (1852-1869), the Middle Period (1870-1934), and the Modern Period (1935-1941). The district includes 22 buildings from the Settlement Period, 23 from the Middle Period, and 13 from the Modern Period.³

² These structures are of the highest importance in maintaining the character of the Historic District.

³ Corrected to reflect buildings altered beyond recognition.



SOURCE: Don Maskell

22 - 30 Alta Street ■

Figure 8
Telegraph Hill Historic District, 1970

The Telegraph Hill Historic District is one of only five areas in the City to contain examples of the Settlement Period or earlier architecture and development patterns. With few surviving structures from this period, the oldest being the Johnson Grocery Store at 1301 Montgomery (built in 1852), these structures are greatly valued and among the rarest in the City. Beginning in the late 1850s, vernacular cottages, some with minimal Greek Revival detailing, were built. This style is rare in California and was soon supplanted by the Carpenter Gothic, which was in turn replaced by the more popular Italianate, simplified examples of which may be found in the district and throughout the City. All of these buildings, regardless of their decorative detailing, were executed in essentially the same size, scale, form, and construction material. They were generally no more than 25 feet wide, one to two stories in height, and different from each other only in their stylistic detailing and construction refinements.

The Middle Period encompassed the years in which San Francisco emerged as a mature metropolis. During this time, more refined and academic revival styles, such as the Colonial and Spanish Revival, began to appear in the City, and modest examples of this style are still found within the district. These buildings were usually somewhat larger than the earlier Telegraph Hill structures, but were nevertheless contained within a typical Telegraph Hill standard lot. Before this period ended, the style that came to be known as Art Deco had evolved out of European classicism and would soon appear on Telegraph Hill.

Early on in the Modern Period, cottages with marginal Craftsman detailing were favored on the Hill, but within a few years the architectural style and building scale found in the district changed radically. Following completion of the Montgomery/Alta and Union/Calhoun retaining walls that demolished many of the area's older structures and generated new development opportunities in the district (including the north side of Alta Street where the project site is located), contemporary architecture became the new standard for the area. The design of the Moderne apartment building at the project site and the Forbes Apartments at 60 Alta Street (both designed in 1935), represented an important break in the district's architectural and physical continuity. The most important structure of this period is the Kahn Residence at 70 Calhoun Terrace, designed by the renowned architect Richard Neutra. These buildings introduced a new, larger building size, scale and bulk, and a different architectural character.

The International Style and Moderne buildings were often the product of developers who had assembled lots, demolished smaller historic buildings, and built larger new buildings. This development style was later reinforced in the district by the designation of such buildings as Contributory structures and by Section 7(c)(1) of the designating ordinance, which encourages "new construction in a contemporary idiom." Due to the long span of the surviving construction on Telegraph Hill, a modest catalog of American architectural styles is represented, spanning the years from 1850 to the present. Found here are a single vestigial example of a Mid-Nineteenth Century Commercial building, as well as simplified Greek Revival, Carpenter Gothic, and Late Victorian Italianate buildings. Early 20th Century styles include Colonial Revival, Spanish Colonial Revival, and important works from the Modern and even the Post-Modern movements. Although the earliest of these buildings survived the ravages of the fire, many have been remodeled, some beyond recognition, thus limiting their ability to communicate their original

styles. Buildings that have been altered beyond recognition are generally not considered to be contributors to the district.

Guidelines

For all projects within a locally designated historic district (as provided for in Article 10 of the Planning Code) that involve new construction or visible exterior changes to an existing structure, a Certificate of Appropriateness is required. In the case of new construction, such as for the project site, the Planning Commission is required to hold a public hearing on the Certificate of Appropriateness application subsequent to an advisory report being submitted to the Planning Commission by the LPAB.

Section 7 of Appendix G to Article 10 sets forth specific guidelines for review of proposed changes within the district. These provisions pertain to character, height, and for new construction, issues such as style, landscaping, access, wooden walkways and steps, public rights-of-way, demolition, cliffs, and significance of individual buildings. Below is a brief summary of the relevant language as it relates to the proposed project:

- Character: a project shall be compatible with the character of the district, where character means the architectural features and historic open space of the district as referred to and described in the district case report.
- Height: buildings should relate to the height of structures immediately adjacent and in the general area with the intent that the building should be contained within an envelope that slopes upward or downward with the slope of the property.
- Style: projects shall be compatible with nearby Contributory buildings. Further, new construction in a contemporary idiom is encouraged, with specific regulation as follows:⁴
 - (a) Bay windows and porticos are discouraged.
 - (b) Porches and balconies are encouraged.
 - (c) Gable roof forms are encouraged.
 - (d) The mass of new buildings should relate to the topographical contour of the site, and be compatible with adjacent buildings.
 - (e) The use of horizontal rustic wood siding is encouraged over other surfacing materials. Masonry⁵ surfaces may be appropriate in subareas with a concentration of Art Moderne or International Style building.
 - (f) Fenestration should be proportionate and in scale with traditional patterns within the district. Wooden sash is encouraged over aluminum or other metal sash.
 - (g) Detailing should relate to the simple, straight forward traditional vernacular forms found in the district.

⁴ These characteristics do not apply uniformly to the diverse building styles and scales that contribute to the district nor do they serve to enforce reconstruction to a particular period or style.

⁵ Presumably cement plaster - there are no masonry buildings in the district.

- Landscaping: a landscaping plan is required for every project and should ensure minimal interference with historic gardens.
- Access: access for construction is required to utilize existing paths, steps, and walkways. The project sponsor is required to replace landscaping features on public space that may be damaged during construction.
- Wooden Walkways and Steps: the Filbert Steps and boardwalk on Napier Lane shall be maintained as unique contributors to the setting of the district.
- Public Rights-of-Way: unimproved sections of public rights-of way shall be treated as open space. In such spaces gardens, both ornamental and natural, are encouraged.
- Cliffs: for projects involving construction on lots located within the designated cliff areas of the district, a geological study made by a licensed engineer is required.⁶ Such projects will be assessed to determine whether they will have a reasonable probability of endangering life, limb, or property.

PROJECT SITE

As verified by historic photographs dating from 1862 through the 1920s, the site of 22-30 Alta Street was a barren and rolling hillside, crisscrossed with goat paths that existed essentially unchanged, until the Montgomery/Alta Street Roadway Construction project of 1931.⁷ Figure 9 depicts the site and surrounding area in this condition in about 1862. The homes that now line the south side of Alta were occupied by stevedores and others associated with the shipping industry. These houses had an unobstructed view over the hillside (now the project site) that allowed the occupants to monitor the arrival of ships into San Francisco Bay, an activity that was important to their livelihood. See Figure 10 for a view of Alta Street in the 1920s before development on the north side of the street and Figure 11 for the same view of Alta Street in 1998. As a result of the cut and fill required by 1931 roadway construction, the north side of Alta became developable, and extensive new construction occurred along the previously barren hillside, radically altering its character. This new construction effectively bisected the original concentration of pre-1870s structures on the hill, and eliminated the waterfront view of the historic buildings on the south side of Alta Street. The north side of Alta Street at the eastern end had never been built upon, and beginning in 1935 with the construction of 22 Alta Street, the setting was almost completely transformed with the development of the many multi-story apartment buildings that exist there today. In addition to 22-30 Alta Street, the apartments at 60 Alta Street were built in 1935.

These buildings and the others on the north side of Alta Street were typically between four and six stories in height, with cement plaster (stucco) exterior surfaces. Only the two mentioned above were built during the district's Modern Period (1935-1941). The others were built later, and although they all share

⁶ The project site is not located within the district's designated cliff areas.

⁷ Information on the history and architecture of the buildings of the historic district is excerpted from the Telegraph Hill Historic District case report appendix, dated August 1985, prepared by Anne Bloomfield, and adopted as part of the ordinance (Article 10, Appendix G) that created the Telegraph Hill Historic District.



SOURCE San Francisco Maritime Museum

22 - 30 Alta Street ■

Figure 9
Alta Street, Circa 1862
(Looking Southeast)



SOURCE: Society of California Pioneers.

22 - 30 Alta Street ■

Figure 10
Alta Street, 1920s
(Looking West to Montgomery Street)



SOURCE Patrick McGrew, Architect.

22 - 30 Alta Street ■

Figure 11
Alta Street, 1998
(Same View as Figure 10)

common architectural characteristics, the others are considered Non-contributing to the district because they were built after the district's period of significance. The two Contributory structures are architecturally and stylistically comparable with other Contributory and Non-contributory examples from the Modern period within the district, such as 1470 Montgomery Street and 38-50 Calhoun Terrace.

The 22-30 Alta Street site was created through a lot-split of a larger parcel that was owned by long-time Telegraph Hill resident Ian Hoeffler, described in the *City Directories* as a bookkeeper for the Montana Copper Company. He retained the lower portion of the lot that originally had the address 24 Alta Street, and developed the upper parcel as the three-unit 22-30 Alta Street apartment building in 1935. Hoeffler purchased and developed several other parcels clustered in the vicinity of the project site, including "the Compound" at 265 Union Street, and the Hoeffler Apartments at 38-50 Calhoun Terrace, another Contributory structure in the district, which became Hoeffler's home. The 22 Alta building was sold to Fred McNear, Jr, President of the Grass Valley Bullion Company, who subsequently remodeled it in 1937. This building is referred to as the McNear building throughout the rest of this document.

The architect of 22-30 Alta Street was Angus McSweeney, who apprenticed in the office of Willis Polk & Co., an important early San Francisco firm. McSweeney continued with the firm following Polk's death in 1924, but ultimately headed his own firm that is considered by some to be the successor firm to the Polk office. Eventually McSweeney took on partners, initially the firm became McSweeney and Schuppell, and later McSweeney, Ryan and Lee. McSweeney's portfolio includes a few period revival houses in St. Francis Wood, the Commodore Stockton School annex on Washington Street, the Commodore Sloat School on Ocean Avenue, the Park Merced housing complex, and St. Leo Roman Catholic Church of Sonoma. McSweeney was not known for innovative design, and most of his projects involved a joint venture designer from another firm. McSweeney's most important project was St. Mary's Cathedral on Geary Boulevard, a joint venture with brilliant designer Pietro Belluschi that was engineered by Pier Luigi Nervi. No other examples of McSweeney's Moderne work have yet surfaced, although a large archive of McSweeney's work was recently donated to the University of California at Berkeley architectural archive.

McSweeney's five-level wood frame building, containing 3,300 square feet (occupied floor area), rose one and one-half levels above Alta Street on the front facade, and descended three and one-half levels below grade, along the east elevation. Figure 12 depicts an architect's model of the McNear building in its built context. It was faced in cement plaster over wood sheathing, and the open stair was faced in shiplap siding. The handrails were painted wood, as were the window and door frames. The building stepped down the slope to the north and had terraces on four levels. An external staircase ran along side the building's east side.

The building survived for 57 years and was altered many times, ultimately containing five apartments in its final configuration. In 1992, the building was demolished by the City after being damaged as a result of heavy rains and roadwork the City was performing on Alta Street. It was the first building in the Telegraph Hill Historic District, since the district's creation, to be demolished.



SOURCE: Peter Pfau, Architect

22 - 30 Alta Street ■

Figure 12
Model of 22-30 Alta Street As Built in 1935-1937

The 22-30 Alta Street structure was not listed or rated in any of the surveys recognized by the Planning Department, including the Department's 1976 *Citywide Survey* or the *Here Today* survey of architecturally significant buildings. In 1985, with the adoption of the Telegraph Hill Historic District, the building was designated a Contributory structure, one of seven intact examples of the "innovative" buildings built during the Modern Period (1935-1941) of the district's development. With the demolition of the 22-30 Alta Street building, its value as architecture and history were irretrievably lost, leaving only the contextual value of its site as an historical resource.

IMPACTS

SIGNIFICANCE CRITERIA

CEQA Section 21084.1 states that "a project that may cause a substantial adverse change in the significance of an historical resource (in this case, the district) is a project that may have a significant effect on the environment. This section defines "historical resource" as one that is listed in, or determined eligible for listing in, the California Register of Historical Resources, and states that resources listed in a local register of historical resources "are presumed to be historically or culturally significant."

A "local register of historic resources" is defined in Public Resources Code Sec. 5020.1 as "a list of properties officially designated or recognized as historically significant by a local government pursuant to a local ordinance or resolution." A "substantial adverse change" is defined in Public Resources Code Sec. 5020.1 as "demolition, destruction, relocation, or alteration such that the significance of an historical resource would be impaired."

The Telegraph Hill Historic District ordinance, Article 10, Appendix G, of the Planning Code includes guidelines as Certificate of Appropriateness review standards for new construction in the district. The Planning Commission will utilize these guidelines as a basis for determining whether or not to approve the project sponsor's Certificate of Appropriateness application. See the Guidelines discussion of this section above for the language of these guidelines. The guidelines for evaluation of an application for a Certificate of Appropriateness are specific to that process and not directly comparable to CEQA significance criteria. Nonetheless, a project that would comply with these guidelines would not be expected to result in a significant effect on historic architectural resources.

EVALUATION OF PROJECT IMPACTS

Designation of the Telegraph Hill Historic District qualifies the district as being "listed in a local register of historic resources." Further, as noted above, all or part of the district is potentially eligible for nomination to the California Register or the National Register, and could be listed in either register as such. Therefore, under CEQA, the Telegraph Hill Historic District is considered an historical resource that is potentially subject to significant impact. Having established that the project site is located within and is part of an historical resource, the purpose of this evaluation is to determine whether the proposed

project would result in a substantial adverse change to the Telegraph Hill Historic District such that the qualities that make it historically significant would be impaired or lost.

The height of the proposed building would be no more than five feet taller on both the Alta Street and Filbert Street elevations than the adjacent building (34 Alta Street) or the two buildings (40 and 50 Alta Street) immediately to the west of the adjacent building. The proposed structure would be taller than the McNear building (the former building on the project site), in part, due to the need to accommodate a Code-required parking garage. A parking garage would be located at street level (overall level four) with space for five automobiles. Although the McNear building did not include any parking spaces, Section 151 of the Planning Code requires that a minimum of one off-street parking space be provided for each new dwelling unit constructed.

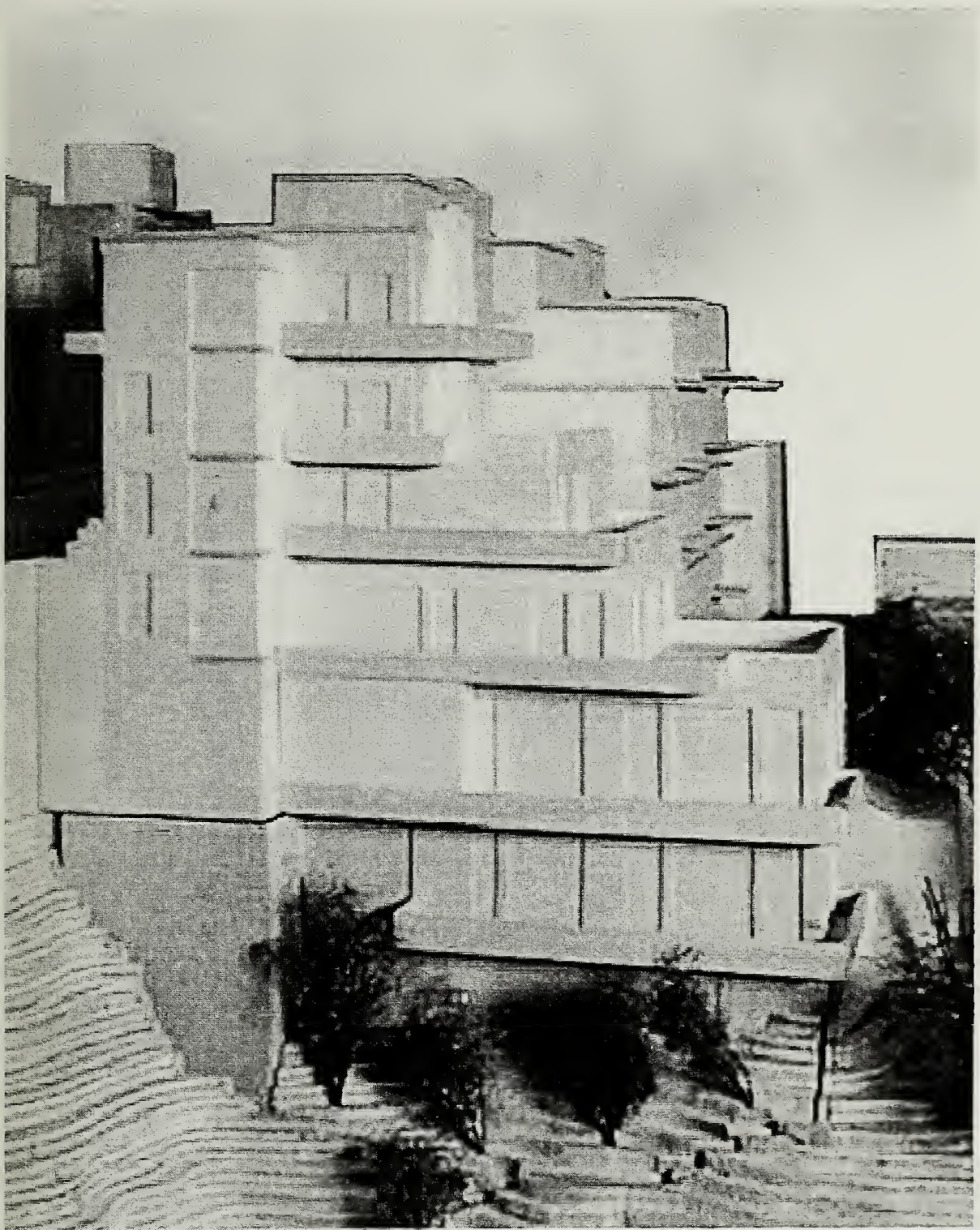
Compared to the McNear building, the proposed project would appear as if an additional story were placed in the middle of the prior building, between levels two and three, resulting in increased height and depth at each of levels three through five and a new level six. The new building would also extend seven feet farther deep (north) into the lot at levels one and two, compared to the prior building (compare Figures 12 and 13). The McNear building was smaller than other existing buildings on the north side of Alta Street, while the proposed project would be similar in height to those other structures.

The Planning Code does not address building width of proposed new construction, but calls for massing of new buildings to “relate to the topographical contour of the site and be compatible with adjacent buildings (Article 10, Appendix G, Section 7(d).” The project would step down the sloping hillside site following the slope’s contours, although would be more massive than the adjacent structures.

The width of the project site is 62.5 feet, more than double that of a typical parcel in the district. The proposed project would involve development of only the west portion of the parcel, and would separate the main mass of the building (34 feet wide) from the building stair tower (11 feet wide) on the east elevation. The proposed project would be approximately 10 feet wider than the McNear building.

The overall effect of the proposed project would be an increase in height of approximately one story, width of approximately 10 feet (one foot along Alta Street), and 4,800 square feet of enclosed space (including 2,200 square feet of parking and common areas) when compared to the McNear building (see Figures 12 and 13). Nevertheless, because the project site is within a sub-area of the district that contains large, non-contributory buildings, the project’s increased volume would not be incompatible with adjacent construction. Because the project site is relatively large, compared to other lots in the district, the proposed structure would have a smaller percentage of lot coverage than most other buildings in the district, as did the previous building. See Section III.D, Shadows for a comparison of the shadows cast by the project and the previous building.

According to the project architect, the proposed design is intended, in part, to recall the McNear building previously on the site, and to meet the compatibility requirements of the Certificate of Appropriateness. Specifically, the exterior finish of the proposed structure would match the cement plaster of the previous building, several other buildings on Alta Street, and other Contributory Moderne buildings in the district,



SOURCE: Peter Pfau, Architect.

22 - 30 Alta Street ■

Figure 13
Model of Proposed Project

including the similar 1470 Montgomery Street and 50 Calhoun Terrace buildings. The window and door frames, terraces, pipe railings and rounded corners would also be stylistically consistent with the previous building and the district's other Moderne structures.

The project would be in keeping with the character of the district in terms of its residential use, Moderne style, and its orientation to the steep site. In fact, page one of the case report statement of significance states in reference to the Moderne and International Style buildings in the district: "This change in style, scale, and pattern of development completes the district's period of significance."⁸ However, the proposed building would be wider and taller on the northern and eastern elevations than structures immediately adjacent to it and in the general area. Because the district is a collection of buildings with diverse architectural styles and building forms within a small area, the larger size of the project would make it visually prominent compared to many of the nearby buildings

Planning Code Article 10, Appendix G, Section 7(c), states that new construction "shall be compatible with the nearby Contributory buildings within the historic district" and conform to several style directives as noted above. This statement does not differentiate among the variety of architectural styles of those buildings and, as such, some of the guidelines are not applicable to modern style buildings. The project would not strictly adhere to these style guidelines. However, both the Case Report for the Telegraph Hill Historic District and the Planning Code: identify the Modern period as part of the district's period of significance; include Modern buildings as contributory elements to the district; and encourage "construction in a contemporary idiom." Thus, although the Code's specific style guidelines do not reinforce Modern elements, the project would conform with the general standards regarding contemporary buildings of the Telegraph Hill Historic District as described because of its Moderne detailing, cement plaster finish, and series of terraces. The proposed building would be different than nearby Contributory buildings, either in terms of style or mass. There are three Contributory buildings that are either adjacent to or across Alta Street from the project site and ten others within a 100-foot radius from the project property. Of these 13 buildings, only one is of a Modern architectural style and a majority are Italianate in design. Further, all of these structures are substantially smaller in terms of overall mass and floor area than is the proposed project.

More specifically, there are eight Contributory buildings located on Alta Street or adjacent to the project site. Adjacent to the project site on its northwest edge is a two-story cottage at 221 Filbert Street, approximately 1,100 sq. ft. in size. The one Contributory building on the north side of Alta Street is 60-62 Alta, which is a three-story structure of approximately 2,300 sq. ft. The other six buildings on the south side of Alta Street include four Italianate and two Greek Revival structures of two to three stories that range from 1,050 sq. ft. to more than 2,000 sq. ft.

The project would have the potential to affect non-architectural components of the historic district, including the Grace Marchant Garden, Filbert Steps, and a cliff face. Potential effects, particularly as they pertain to the Garden, are addressed in this EIR separately in sections for issues regarding land use (section III.A), visual quality (section III.C), shadows (section III.D), geology (section III.E), and biology (section III.F).

⁸ The term "change" refers to the shift from pre-1931 architectural styles (vernacular cottages, Italianate, etc.) to post-1931 development in Modern styles.

CONCLUSION

The project's impact would not result in substantial modifications to the historic district as a whole, nor would it result in a compromise in the integrity or significance of any of the adjacent buildings that are identified as Contributory to the district. This conclusion is substantiated by three primary factors. First, the relative size of the proposed project represents a nominal change to the district's setting. Since the proposed project involves the construction of a single code-complying structure on a single piece of property within an historic district that includes eighty structures and covers many blocks, the resultant change is insufficiently large to compromise the significance of the district itself or to affect the significance of other surrounding properties in any meaningful way.

Second, as a replacement for a lost Contributory structure, the project would not irreparably or substantially alter the historic setting as a character-defining feature of the district or the nearby buildings. The proposed design, which includes the use of materials and features that recall the previous contributing structure, would result in a building that is stylistically compatible with the district. While the proposed building would provide parking, and would be taller, wider, and enclose more square footage than its predecessor, the degree of change would be insufficient to adversely affect the overall character of the district (including any neighboring building's Contributory status).

Third, as part of the Certificate of Appropriateness process, the proposed project is subject to review and approval by the Director of City Planning and/or the City Planning Commission acting with advice from LPAB. As such, the project would be closely evaluated for its compatibility with the guidelines set forth in Appendix G of Article 10 of the Planning Code. The proposed design would be in conformance with most of the guidelines included in Article 10.

Because of the project's relative size compared to the district, its stylistic compatibility with the McNear building and the district, and the fact that it would be subject to the Certificate of Appropriateness review process, the proposed project would not substantially impact the character of the district. Because of the unique circumstances under which the project would be developed (i.e., replacement of a prior building demolished by the City) and the lack of buildable sites in the vicinity, the project would not contribute to any cumulative changes in the historic architectural fabric of the Telegraph Hill Historic District.

C. VISUAL

INTRODUCTION

Although there are no significant visual impacts expected to result from the proposed project (as discussed in the Initial Study), this section has been added for informational purposes and to provide context for the evaluation of project impacts on the Telegraph Hill Historic District and its unique features, including the Filbert Steps and Grace Marchant Garden. This section addresses existing visual conditions and the potential for the project to affect those conditions, focusing on aesthetics and views from public areas. Compatibility of the project with the Telegraph Hill Historic District, including the potential for related impacts caused by the design of the structure, whether due to architectural style or physical size, is discussed in section III.B, Historic Architectural Resources.

SETTING

Visual Character

The project site is a rectangular property that is bordered by Alta Street to the south and the Filbert Street right-of-way to the north. The site is currently vacant except for the foundation remains of a previous apartment building that was razed by the City in 1992, referred to herein as the McNear building. These irregular concrete protrusions partially overgrown with weeds are at the southwest portion of the site just below (north of) Alta Street (see Figure 39). The rectangular site slopes very steeply down the face of Telegraph Hill to the north, dropping more than 60 feet vertically over its 120-foot horizontal length. The eastern edge of the site drops precipitously over the cliff towards Sansome Street below.

The northwestern portion of the site, as described in greater detail in section III.F, Biology, is a tended ornamental garden area that is part of the Grace Marchant Garden. This hilly area, less steep than the southern or eastern portions of the site, is densely covered by a diversity of plant life, including one large tree, a few smaller trees, and numerous other smaller plants. Most of the northeastern portion of the site is covered by a thick, dense untended brush that serves as a natural backdrop to the ornamental Garden when viewed from the Filbert Street right-of-way. The Garden is composed of a variety of species and sizes of plants located both on and adjacent to the project site. The Garden is a focal point of visual interest and serves to obscure from public view (specifically from the Filbert Steps) much of the vacant project site.

The project site is among multi-story residential buildings on Alta and Montgomery Streets, which are two to four stories on their street frontages and up to six stories tall on their downslope elevations. The buildings in the immediate area range from small vernacular wood cottages, such as 221 Filbert Street, to large Moderne cement plaster buildings such as 1360 Montgomery Street. Some of the buildings on Alta Street have balconies or fire escapes facing the street, some have bay windows, and some have simple flat facades. Some are of a contemporary design style, while others on the south side of the street were

built during, and maintain the style of, the early part of the century. Almost all of the buildings on Alta Street are built out to the property line (see Figure 11).

Adjacent to the project site (to the north) and the adjoining Grace Marchant Garden, are the Filbert Steps, which, along with the Garden, are an important visual feature of the neighborhood. The wooden Filbert Steps run nearly the length of the Filbert Street right-of-way (between Montgomery Street and the cliff) and afford pedestrians views of the Bay, the Garden, and many of the structures in the immediate area of the project site. The prominent cliff faces of Telegraph Hill, on its north and northeastern sides, are also important visual aspects of the project area. The eastern edge of the project site and the adjacent parcel (to the east) are on a steep cliff rock face that drops dramatically to the rear of an office building (201 Filbert Street) located at the intersection of Filbert and Sansome Streets.

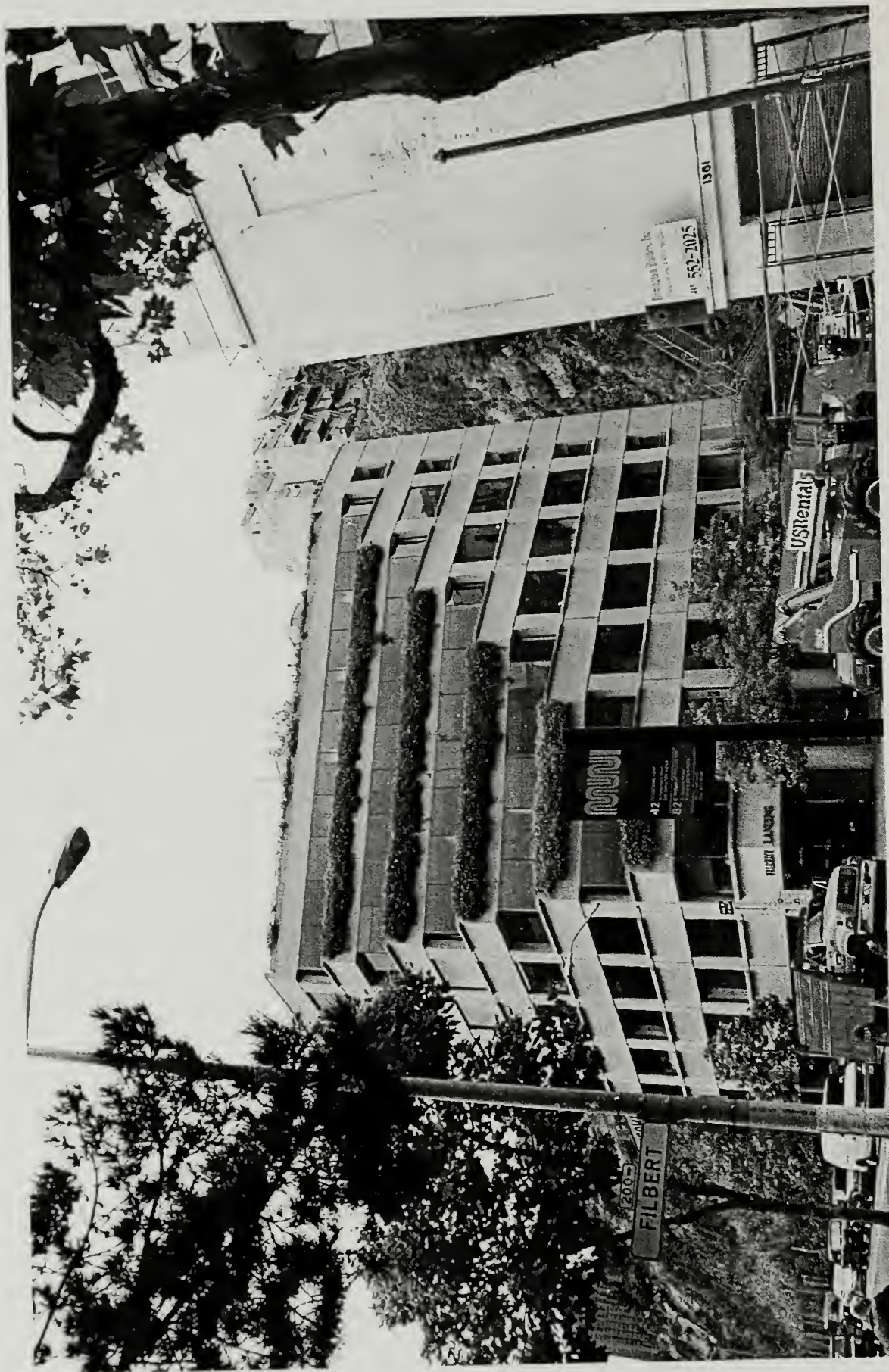
Views of Site

There are three representative views in which the site can be viewed prominently from public viewpoints: the intersection of Sansome and Filbert Streets, the Filbert Steps, and Alta Street east of Montgomery Street. The most distant of these three views is from Sansome Street at the eastern base of Telegraph Hill just north of Filbert Street. Between 201 Filbert Street and 1301 Sansome Street, a narrow view of the lower portion of the Filbert Steps, the cliff face of the property adjacent to the project site, the northern edge of the project site, most of 34 Alta Street (the building immediately west of the site), the north elevation of 40 Alta Street and the very top portions of two buildings on the south side of Alta Street across from the site are visible (see Figure 14).¹

From this same vantage point prior to 1992, when the now demolished McNear building was located on the project site, the McNear building almost entirely blocked the view of the eastern face of 34 Alta Street. A portion of the project site currently visible was instead occupied by the lower (northern) portion of the building.

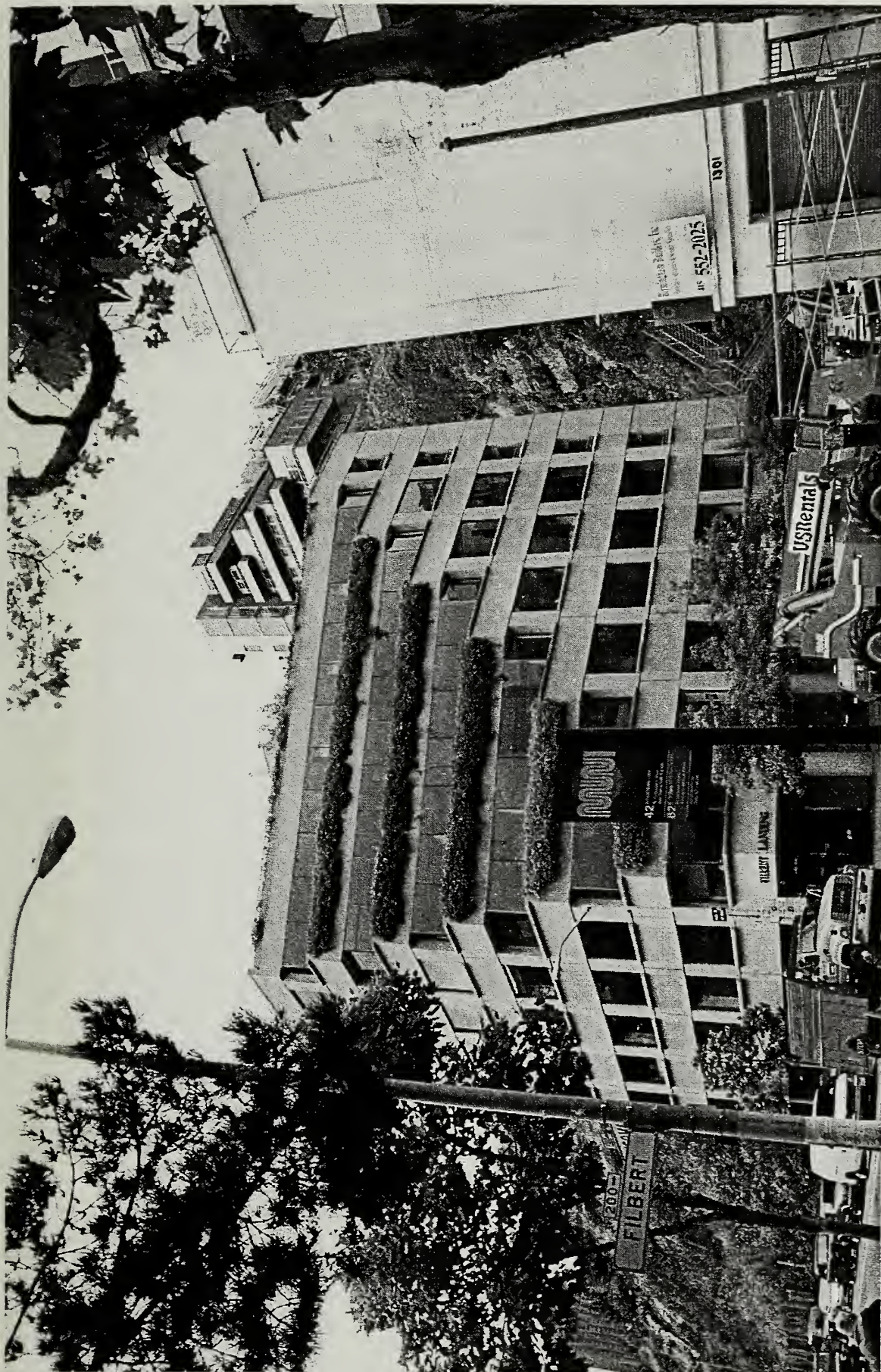
The middle range of the three views, in terms of distance to the site, is from the Filbert Steps. From just east of Napier Lane to just east of Darrell Place, views of varying breadth and clarity are available to pedestrians moving along the Steps. The most expansive view from the Steps is available between Napier Lane and Darrell Place where the view blockage from a large tree on the site and trees in the Garden to the west of the site is minimized (see Figure 16). From this viewpoint, the Garden is visible in the foreground. Most of 221 Filbert Street (the small cottage adjacent to the west of the project site) is visible, as are the top halves of 34, 40 and 50 Alta Street, the buildings that line the north side of Alta Street to the west of the site. Two of the buildings on the south side of Alta Street (16 and 18 Alta Street), directly across the street from the site, are also partially visible above the retaining wall that abuts the project site.

¹ The view from this general vantage point changes depending upon where along Sansome Street a person is standing, however the image shown in Figure 14 depicts the most inclusive perspective of the project site.



22 - 30 Alta Street ■
Figure 14
 Existing View from Filbert and Sansome Streets
 (Looking Southwest)

Note. Image color and size have been modified by ESA to fit this format.
 SOURCE: Previsualists Unlimited



Note: Image color and size have been modified by ESA to fit this format.

SOURCE: Previsualists Unlimited

22 - 30 Alta Street ■

Figure 15

Proposed View from Filbert and Sansome Streets
(Looking Southwest)



Note: Image color and size have been modified by ESA to fit this format.

SOURCE: Previsualists Unlimited

22 - 30 Alta Street ■

Figure 16
Existing View from Filbert Steps
(Looking South)



Note: Image color and size have been modified by ESA to fit this format.

SOURCE: Previsualists Unlimited

22 - 30 Alta Street ■

Figure 17

Proposed View from Filbert Steps
(Looking South)

Prior to 1992, this view was noticeably different due to the presence of the McNear building. At that time, the buildings on the south side of Alta Street, the retaining wall, and a patch of sky between the top of the south side buildings and the primary roofline of those on the north side of the street adjacent to the project site were not visible. Instead, the view was of the three tiered planes of the glass and cement plaster McNear building.

The closest (and least frequently seen) of the three public views is that from Alta Street up or down the block from the project site. The site is at the end of a dead-end street that continues less than 30 feet to the east of the site. The site is at least partially visible from much of the south side of the block east of Montgomery Street. Looking east towards the site, an expansive view of the Bay, Yerba Buena and Treasure Islands, the East Bay hills, and a few San Francisco piers is available. Looking northwest to the site from the east end of Alta Street, the retaining wall that currently runs the length of the sidewalk in front of the site is seen in the foreground. The east face of the adjacent 34 Alta Street building is prominent from this viewpoint, as are portions of a number of other buildings located within the historic district in the distance (see Figure 18).

IMPACTS

SIGNIFICANCE CRITERIA

The existing visual character of the site and surroundings is determined by the attributes of specific features and patterns that the features have assumed as a result of natural and/or cultural processes. Evaluation of potential project impacts on the existing visual character of the site and surroundings requires analysis of the elements of the project that would be introduced and how those changes (separately or collectively) would affect the character of the site and views of it from off-site locations. Impacts to the visual quality or character of a site may occur as a result of substantial demonstrable negative aesthetic effects, substantially degraded or obstructed scenic views or vistas from public areas, and the production of new substantial light or glare.

AESTHETIC EFFECTS

The project would result in a visual change to the site and the Telegraph Hill neighborhood/historic district. The six-story (three stories above grade) structure would be primarily Moderne in style and finished in cement plaster. Elements of the building would include pipe railings, bay windows (on the south facade), terraces at each level, tiered massing, a flat roof, rounded corners, metal window and door frames, a cement plaster finish, and a glassblock enclosed stairwell.

The design of the proposed structure would generally be in conformance with the style guidelines set forth in Article 10, Appendix G of the Planning Code and would adhere to the Code-stated encouragement that new construction be of a "contemporary idiom." The project would not be of a style similar to that of most of the buildings immediately surrounding the project site, although would share design characteristics with other Modern buildings in the neighborhood. Potential impacts related to the



Note: Image color and size have been modified by ESA to fit this format.

SOURCE: Previsualists Unlimited

22 - 30 Alta Street ■

Figure 18

Existing View from Alta Street
(Looking Northwest)



22 - 30 Alta Street ■

Figure 19

Proposed View from Alta Street
(Looking Northwest)

Note: Image color and size have been modified by ESA to fit this format.

SOURCE: Previsualists Unlimited

project's compatibility with the Telegraph Hill Historic District are discussed in detail in section III.B, Historic Architectural Resources.

Because the project would not visually alter the overall residential character of the existing neighborhood, be of such a scale as to stand out from locations other than those with direct views of the site, or introduce building materials or an architectural style that are foreign to the surrounding neighborhood, the project would not result in a substantial, demonstrable negative aesthetic effect.

EFFECTS ON VIEWS

The proposed structure would be 32 feet tall on the Alta Street elevation, 73 feet tall on the north elevation, and 82 feet tall on the east elevation. The main mass of the building would be 34 feet wide, and when measuring along its south elevation where the glassblock enclosed stairwell is located, the building would be a total of 45 feet wide. The contour of the building would include four separate wall planes, including three tiers with no continuous building plane of more than about 30 feet. Terraces would be located off of each the building's six levels.

For each of the three primary vantage points of the site discussed above, computer-generated photosimulations have been prepared in order to describe the level of visual impact that would occur as a result of the proposed project. Each of the simulations has been inserted into the photographs shown in Figures 14, 16, and 18, and therefore these photos serve as the "before" image for each of the corresponding "after" simulations.

From the most distant of the three views, at the intersection of Sansome and Filbert Streets, the view of the project site would be changed as demonstrated in Figure 15. From this vantage point, at least a portion of all six levels of the proposed building would be visible, including the entire north elevation of the mass that composes the lowest two levels. Most of the visible portions of the building would appear above the roofline of the seven-story 201 Filbert Street office building in the foreground. The southern elevation would not be visible, nor would any point where the building meets the ground. The lower portion of the east elevation would be blocked by 201 Filbert Street, although most of the glass-block enclosed stairwell would be visible, as would at least some of the east facing windows on all but the lowest level. Approximately three-quarters of the building's overall mass would be visible from this viewpoint. From this view, slope stabilization elements including gabion wire netting (typically a mesh secured by anchors) could be visible in the northeast corner of the site. The metallic wire and anchors would be most obvious when newly installed but would likely fade into the hillside as vegetation grows through the netting and the netting discolors from exposure to weather. The stabilization elements would not alter the steep contours cited in Article 10, Appendix G, as an "aesthetically important component" of the district, which "produce dramatic and unique vistas." Nor would the stabilization measures convert the "natural" cliff face to a "built" feature, particularly over time as vegetation and weathering reduce the visibility of the added elements.

From this vantage point, the proposed structure would block views of the east elevation of 34 Alta Street, almost all of the north elevations of 34 and 40 Alta Street, the very top of a building across Alta Street from the site, and a patch of open sky. A viewer of the site from this perspective would see the proposed building relatively closer than the slightly more distant existing structures. When compared to pre-1992 conditions when the McNear building was located on the site, the project would result in only a minimal change.

From the middle range view, on the Filbert Steps between Napier Lane and Darrell Place, the view of the project site would be changed as demonstrated in Figure 17. From this vantage point, the north elevation and lower portion of the west elevation (north of the adjacent structure) of the proposed structure would be visible. The south and east elevations would not be visible. Much of the north elevation would be obscured by an existing large tree located at the southern edge of the Grace Marchant Garden within the project site, but if the tree were to someday be removed, the entire façade of the lower mass would be visible. Each of the building's tiers would be visible, although because of the steep slope of the site (and thus the lower elevation of the vantage point), much of the face of each of the upper building planes would be partially obscured. The windows on the lowest tier of the building would be visible (except where obscured by the existing tree, which changes depending upon exactly where the viewer stands), as would part of the windows on the highest tier. Approximately half of the building's overall mass would be visible from this viewpoint.

Slope stabilization elements would likely not be visible from this vantage considering most of the slope improvements would be installed on the shear east slope. Further east on the Filbert Steps, however, gabion wire netting, rockbolting, and gunite slope treatment would possibly be observed on the slope below the northeast corner of the building and the east-facing slope of the site. The rockbolt assemblies could appear metallic when newly installed but would likely discolor with and/or become obscured by vegetative growth. Similarly, the gunite, if applied in earth-tone hues, would blend with natural colors of the slope, rendering it less visible.

From this vantage point, the proposed structure would block views of the vacant project site, the Alta Street retaining wall, the upper portions of buildings on the south side of Alta Street (17 and 19 Alta), and a patch of open sky. Views of the cottage at 221 Filbert Street and the buildings on the north side of Alta Street would not be altered. Views of the Grace Marchant Garden in the foreground would also not be altered, although visitors to the Garden would have less open sky and more building mass in their viewshed when looking up towards the project site. The building would appear as an eastward extension of the existing building wall on the north side of Alta Street, and would not substantially detract from the visual experience of the Garden. When compared to pre-1992 conditions when the McNear building was located on the site, the project would result in only a minimal change.

From the closest of the three views, on Alta Street looking northwest to the site, the view of the project site would be changed as demonstrated in Figure 19. From this vantage point, the entire south elevation of the proposed building would be visible, as would part of the east elevation. Because the project drops down to the east and north, only the top three and a half levels of the enclosed stairwell and part of the fourth level would be visible on the east elevation. To a viewer from this vantage point, the full 32-foot height of the building's south elevation would be visible, and a similar height would be visible of the east elevation, although most of the lower part of the building would not be visible. The roof of the proposed structure would not be visible. Approximately one third of the building's overall mass would be visible

from this viewpoint. Slope stabilization elements would not be visible from this vantage point because the sheer east slope is hidden below the level of the street and behind the existing retaining wall.

From this vantage point, the proposed structure would block views of the upper portion of the east elevation of 34 Alta Street, other buildings within the neighborhood in the distance, and a patch of open sky. From the viewpoint of looking eastward to the site from Alta Street, part of the view of the Bay, East Bay hills, Yerba Buena and Treasure Islands, and San Francisco piers would be obstructed. Compared to pre-1992 conditions when the McNear building was located on the site, the project would result in only a minimal change.

Although noticeable, the changes to the site and surrounding areas as a result of the proposed project would be comparable to the results of the development on other sloping sites in San Francisco. Because view blockage would generally be limited to portions of adjacent and nearby building, the above changes would not be considered to substantially degrade or obstruct any scenic view or vista now observed from public areas. The partial obstruction of views dominated by typical urbanized uses would not be considered substantial impairment of existing scenic views or vistas. The most impaired view, looking eastward from Alta Street west of the site, is not a commonly viewed viewpoint. Further, essentially the same view would remain from slightly to the east on Alta Street.

LIGHT AND GLARE

The proposed structure would have a primarily cement plaster exterior in addition to metal window and door frames, glass windows, a glassblock enclosed stairwell, and metal pip railings. The project would increase the amount of light emitted from the project site, when compared to existing and pre-1992 conditions, but would not substantially increase ambient light levels in the project area. Further, light and glare produced from the proposed project would be typical of residential apartments nearby and throughout the City. The project would not produce obtrusive glare that would substantially affect other properties.

D. SHADOW

SETTING

EXISTING CONDITIONS (VACANT SITE)

The proposed 22-30 Alta Street Apartments, located on Lot 34A of Assessor's Block 106, would be constructed on the site of the former McNear that was constructed in 1935 and demolished in 1992. The project site is among multi-story residential buildings on Alta and Montgomery Streets, that are two to four stories on their Alta Street frontages and up to six stories tall on their downslope facades. The project site is south of and adjacent to the Filbert Street right-of-way, within which is located the Filbert Steps and the adjoining Grace Marchant Garden (Garden).

In the broadest terms, the informal boundaries of the Garden can be defined as Darrell Place to the west, just past Napier Lane to the east, the Filbert Steps to the north, and following an irregular line into the northern portions of properties lining Alta and Filbert Streets (see Figure 38). The Garden can roughly be visually and functionally described as having two primary sections, eastern and western. The most intensively maintained, colorful, and visual center of the Garden is its eastern section immediately south of the Filbert Steps east (and slightly west) of Napier Lane, and continuing onto the hillside on the northern corner of the project site and the northern portions of the two private parcels adjacent to the west. The western portion of the Garden is the area to the west of the central section, to the east of Darrell Place, between the Filbert Steps and the buildings lining the Filbert Street right-of-way on the south. The Garden includes the northern portion of some of the privately owned lots adjacent to the southern edge of the right-of-way, including the project site. Because the project would create almost no new shadow on the western portion of the Garden except potentially on its eastern edge during the morning in the winter, the term "Garden," as it is used in the rest of this section, refers only to the eastern portion of the Garden.

The project site area slopes steeply down from Alta Street to the north toward the Filbert Steps; the land also slopes downward to the east towards Sansome Street.¹ The existing steep slopes strongly affect the lengths (and duration) of the shadows cast by the buildings fronting both streets. As a result of the topography of the hill and the existing line of residential buildings fronting Alta Street, much of the Garden and the Filbert Steps, as well as much of the yards of the site and residences adjacent to the site and the Garden, are in shadow all day during the two months from late November until late January and are in shadow after mid-day for another 12 weeks — six weeks from late January until early March and six weeks from early October until late November. Thus, these areas, including the Garden, currently receive no sun after mid-day from early October until early March.

¹ Topographic information used for this analysis was taken from a topographic survey map, dated June 16, 1995 and revised January 22, 1996, prepared by Martin M. Ron Associates, Land Surveyors.

From early March until early October, the morning sun clears the roofs of the residential buildings on Alta Street and the Garden area remains in sunlight until the sun drops below the buildings and trees along Montgomery Street, which occurs generally after 3:00 p.m. PST² in early March until late April, and in late August until early October, and generally after 4:00 p.m. PST from late April until late August.

Thus, the north slope of the project site, adjoining yards and the Garden are in full shade for about two months of the year, in afternoon shade for another three months, and in sun for seven to ten hours a day for the other seven months of the year under existing conditions, with no building on the project site.

PRE-1992 CONDITIONS (PREVIOUS BUILDING ON SITE)

The shadow conditions when the McNear building was located on the site were similar to those existing shadow conditions as described above. The exception is that the McNear building added shadow to the Garden and adjoining areas for an interval of about 1.5 hours before mid-day during the two 6-week intervals — from late January until early March and from early October until late November. Thus, these areas, including the Garden, received no sun after about 10:15 a.m. to 10:30 a.m. PST, instead of after mid-day under current conditions.

The McNear building did not cast shadow on the Garden during the two months of the year when the Garden is currently in shade. Nor did the prior building cast shadow on the Garden during the interval from early March until early October, when the Garden is now in full sun from morning until mid-afternoon.

SUNLIGHT ORDINANCE

Section 295 of the City Planning Code, the Sunlight Ordinance, was adopted through voter approval of Proposition K (passed in November 1984) in order to protect certain public open spaces from shadowing by new structures during the period between one hour after sunrise and one hour before sunset, year round. Section 295 restricts new shadow upon public spaces under the jurisdiction of the Recreation and Park Department by any structure exceeding 40 feet unless the City Planning and Recreation and Park Commissions find the impact to be insignificant. Section 295 would not apply to the proposed project, which would be less than 40 feet in height (measured according to the Planning Code), and which would not add new shadow to properties under the jurisdiction of the Recreation and Park Department.

IMPACTS

SIGNIFICANCE CRITERIA

As noted, the proposed project would be exempt from Planning Code Section 295. For purposes of this report, the project would be considered to have a significant effect if it would alter sun shading effects so

² All times given in this analysis are standard time. During daylight savings time, the clock time is one hour later.

as to substantially affect public areas, change the climate in the immediate community or broader region, or disrupt or adversely affect an historic resource.

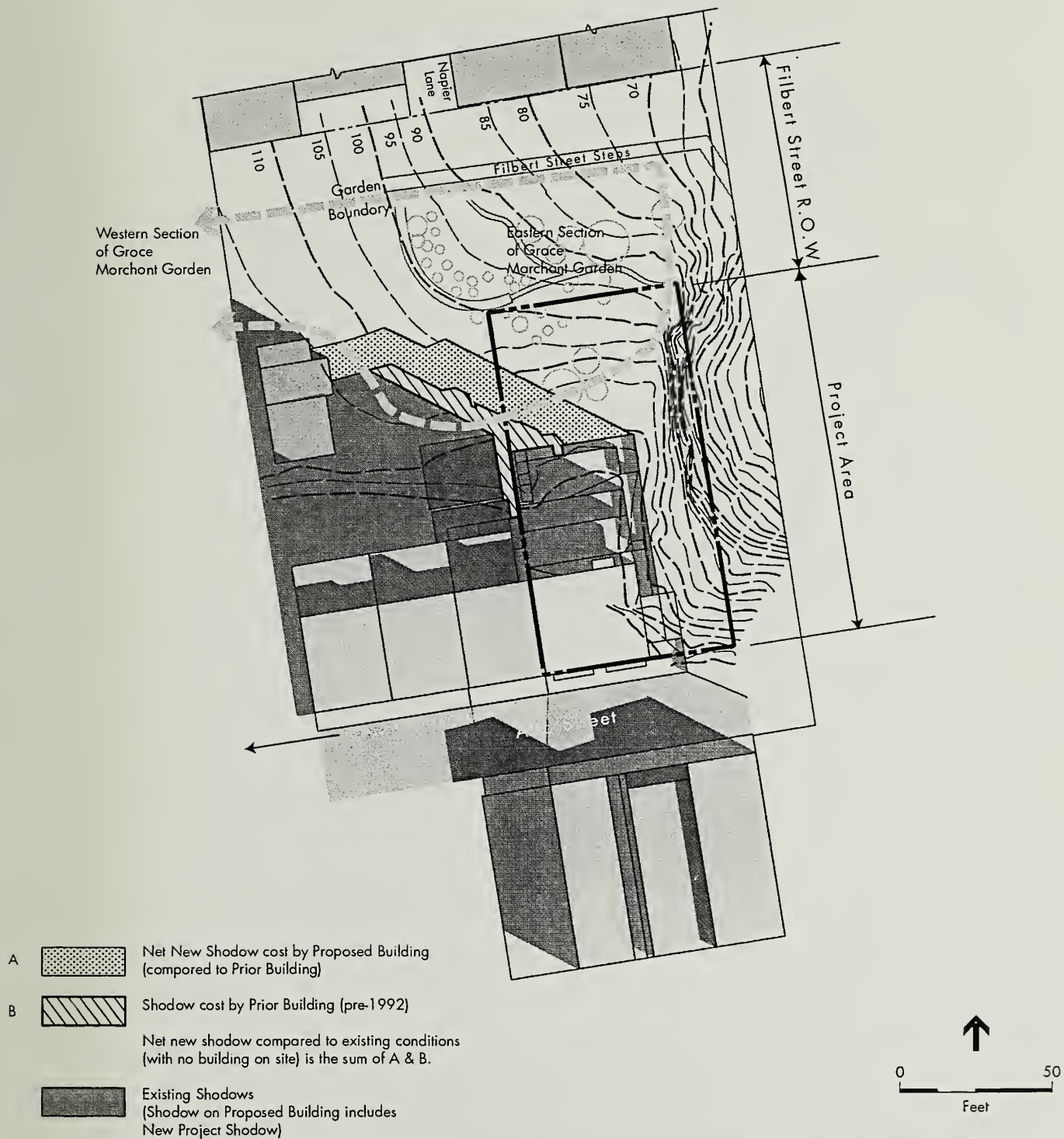
EVALUATION OF IMPACTS

To demonstrate the potential for new shadow caused by the proposed project in comparison to existing and pre-1992 conditions, a series of standard shadow images was projected for times of 9:00 a.m., 10:00 a.m., 12 Noon, and 3:00 p.m., on each of four days of the year — the Winter Solstice, Spring Equinox, Summer Solstice and Fall Equinox. The images (Figures 20-35) show the shadow cast by existing buildings and topography, the shadow cast by the McNear building, and the shadow that would be cast by the proposed project.

Referring to Figures 20-35, the shadow coverage from the proposed project would be greater than at present, with no building on the site, and also greater, at certain times, than that from the McNear building. At other times, project shadow would be no greater than that from the McNear building. As can be seen in the figures, the project would add new shadow to the Garden both adjacent to and within the project site in the morning and early afternoon in March and September (see Figures 20-22 and 28-30). The project would also add a small amount of shadow to the Garden, near the Filbert Street Steps, in December (see Figures 32 and 33); new shadow would otherwise be limited in December because much of the Garden is already in shade; the same would generally hold true in November and January. In June, there would be no new shadow on the Garden at the times studied because the height of the sun would result in the project casting relatively short shadows. Of the new shadow cast by the project, most would fall outside the “Maintained Central Portion of Garden,” identified in EIR Figure 40, p. III.F-5, in the discussion of biological resources.

December

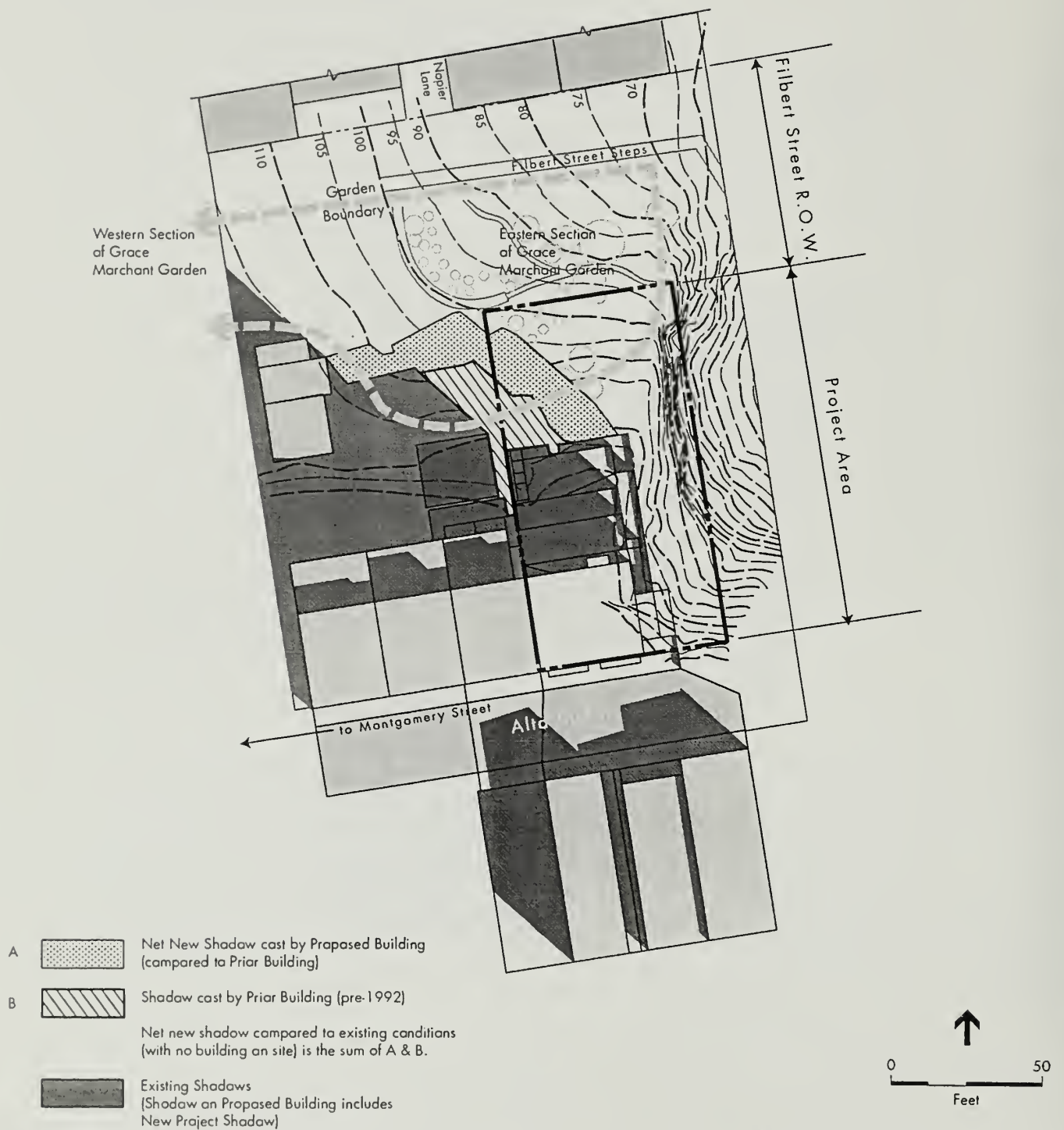
As described above, the site’s steep slopes and the existing buildings along Alta and Montgomery Streets cause a substantial amount of existing shadow in the afternoon hours at present. In December, existing shadow, with no building on the site, covers portions of the Filbert Steps at 9:00 a.m. and 10:00 a.m. (see Figures 32 and 33). The same was true with the prior building in place and would be true with the proposed project. This is the only one of the four solstice/equinox dates when shadow from the proposed project would reach into the Filbert Street right-of-way, north of the project lot; on this day, shadow from



SOURCE: Environmental Science Associates

22-30 Alta Street Shadow Analysis / 970415 ■

Figure 20
Proposed Design Shadows
March 21 - 9 am



SOURCE: Environmental Science Associates

22-30 Alta Street Shadow Analysis / 970415 ■

Figure 21
Proposed Design Shadows
March 21 - 10 am

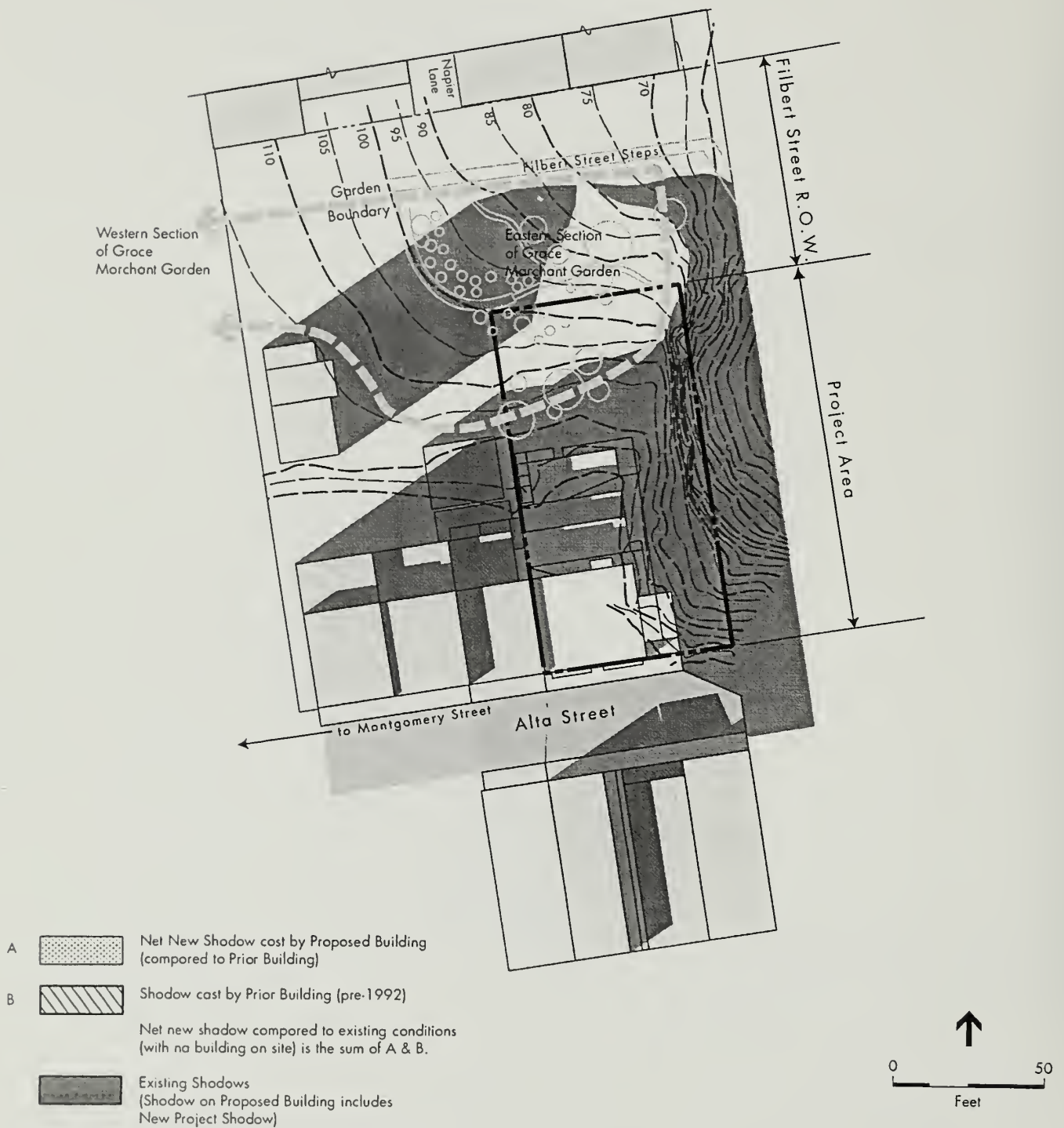


- A  Net New Shadow cast by Proposed Building
(compared to Prior Building)
- B  Shadow cast by Prior Building (pre-1992)
-  Net new shadow compared to existing conditions
(with no building on site) is the sum of A & B.
-  Existing Shadows
(Shadow on Proposed Building includes
New Project Shadow)

SOURCE: Environmental Science Associates

22-30 Alta Street Shadow Analysis / 970415 ■

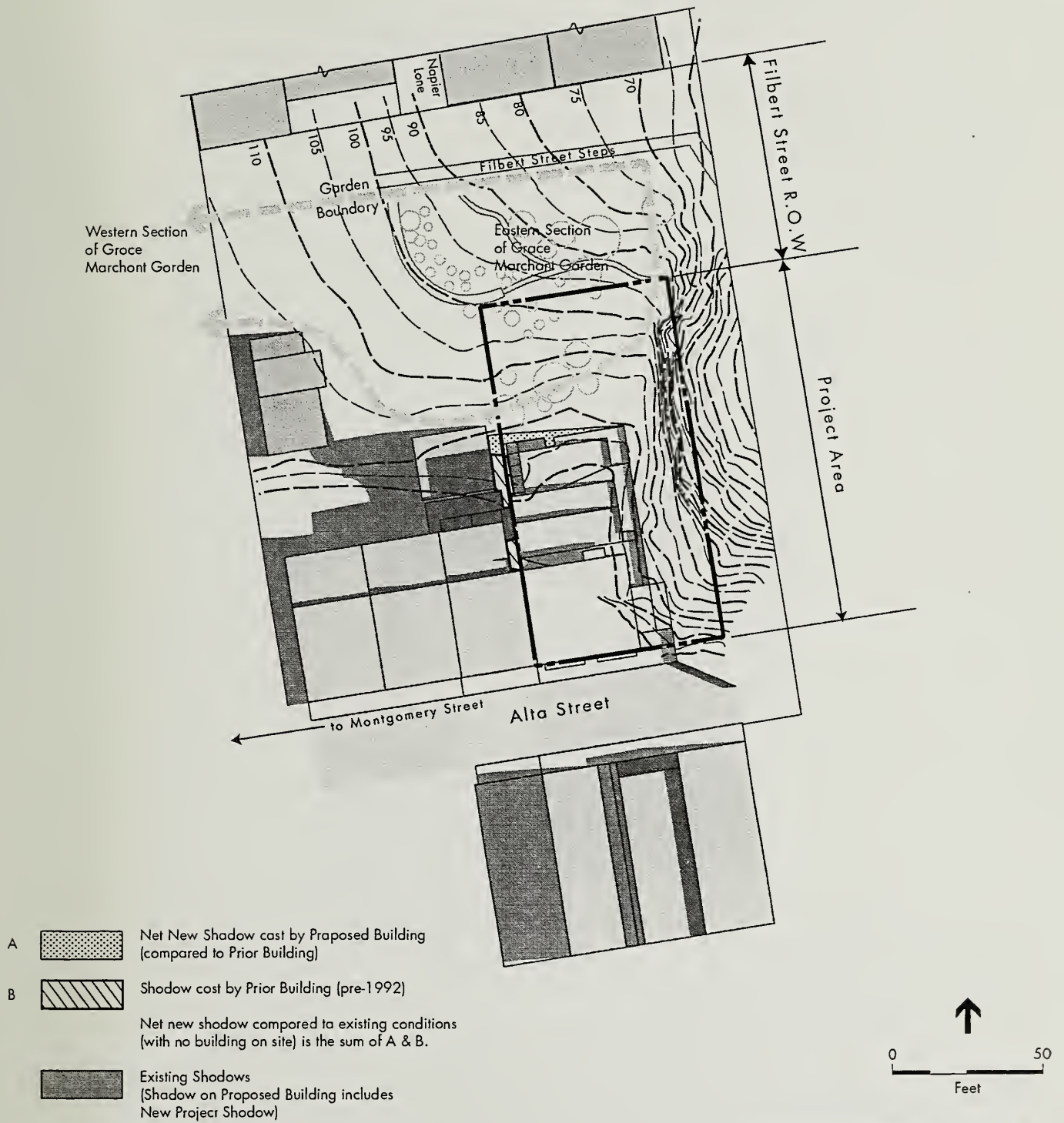
Figure 22
Proposed Design Shadows
March 21 - 12 noon



SOURCE: Environmental Science Associates

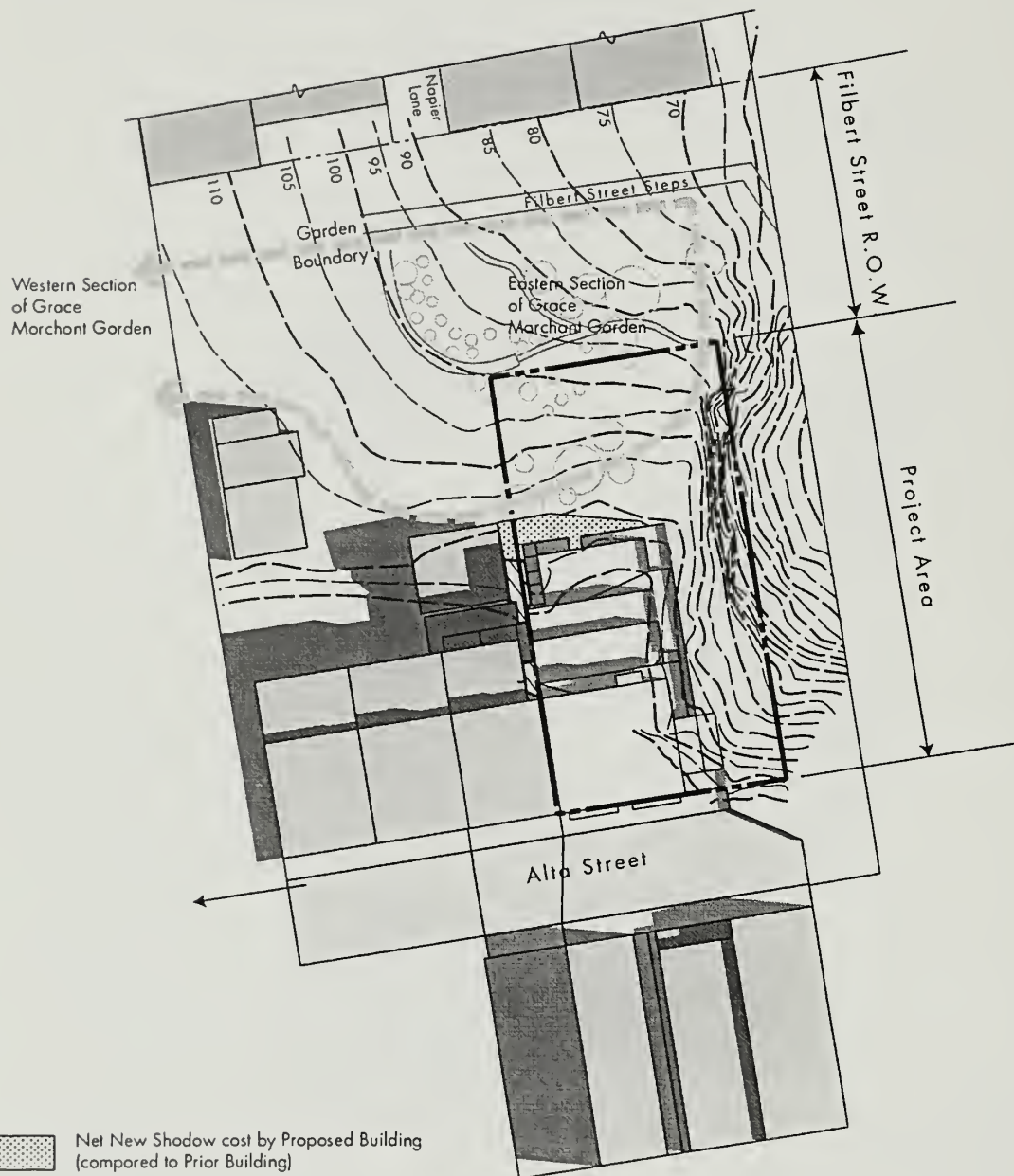
22-30 Alta Street Shadow Analysis / 970415 ■

Figure 23
Proposed Design Shadows
March 21 - 3pm



SOURCE: Environmental Science Associates

Figure 24
Proposed Design Shadows
June 21 - 9 am



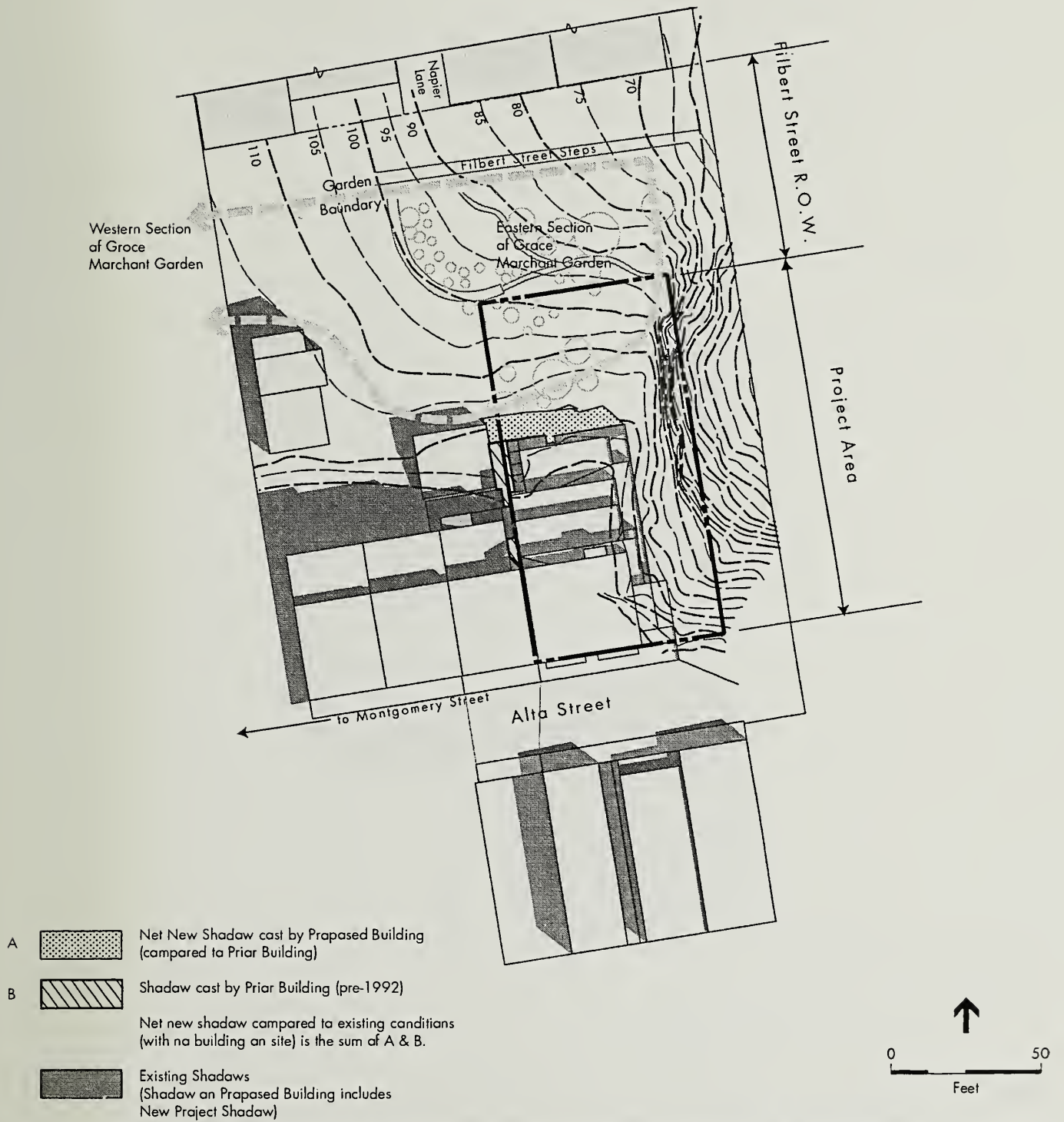
- A  Net New Shadow cost by Proposed Building (compared to Prior Building)
- B  Shadow cost by Prior Building (pre-1992)
- Net new shadow compared to existing conditions (with no building on site) is the sum of A & B.
-  Existing Shadows (Shadow on Proposed Building includes New Project Shadow)



SOURCE: Environmental Science Associates

22-30 Alta Street Shadow Analysis / 970415 ■

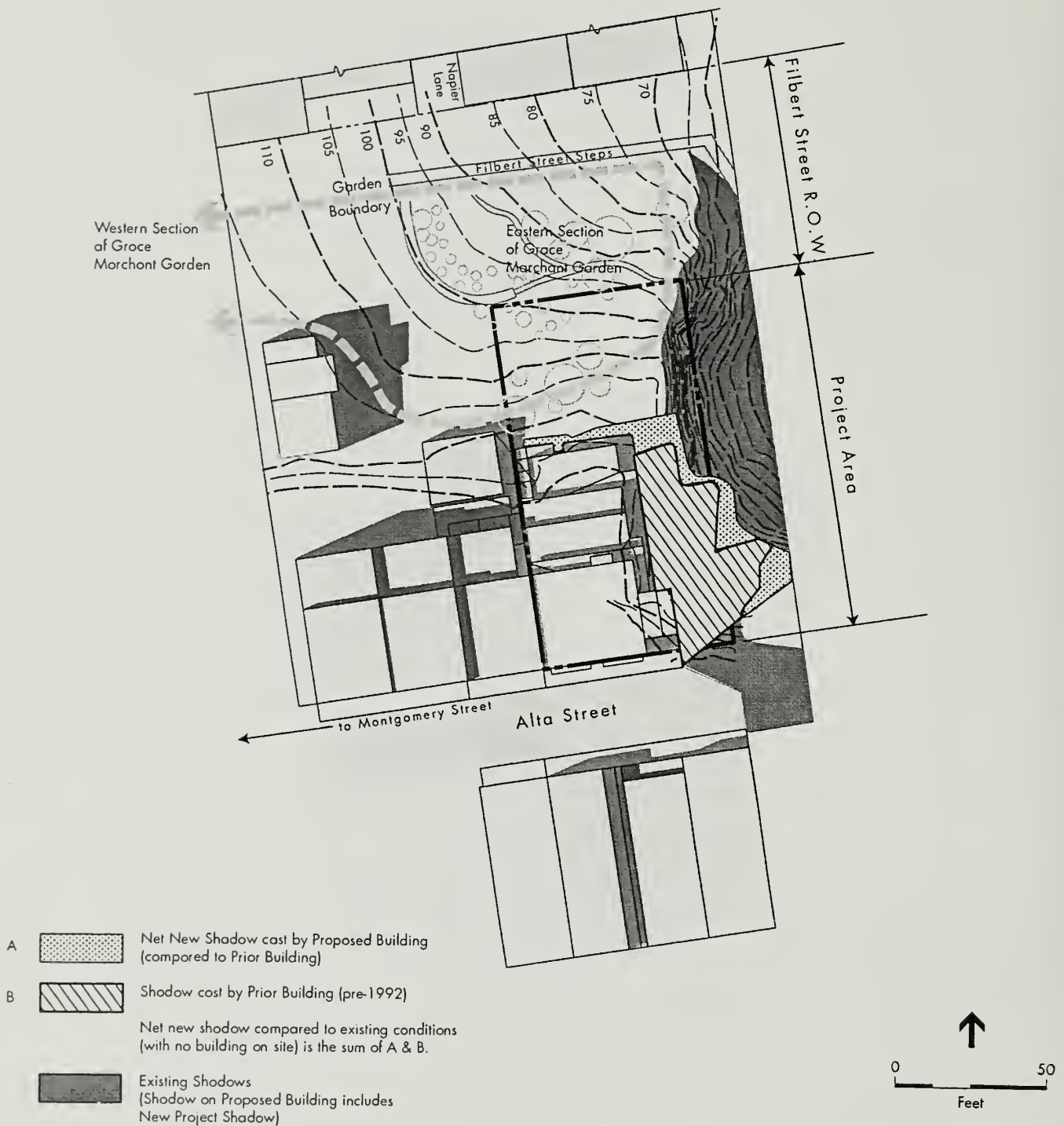
Figure 25
Proposed Design Shadows
June 21 - 10 am



SOURCE: Environmental Science Associates

22-30 Alta Street Shadow Analysis / 970415 ■

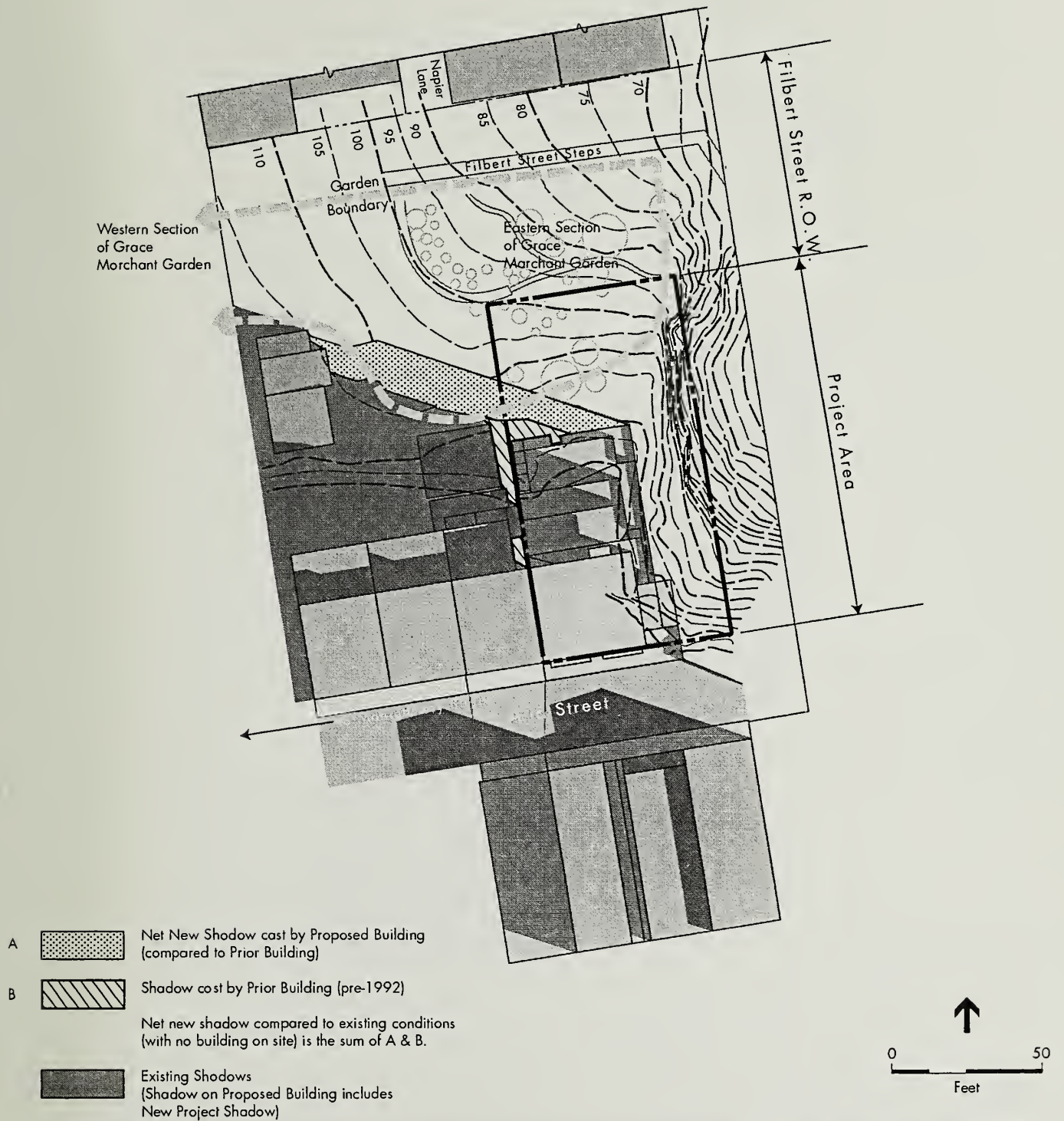
Figure 26
Proposed Design Shadows
June 21 - 12 noon



SOURCE: Environmental Science Associates

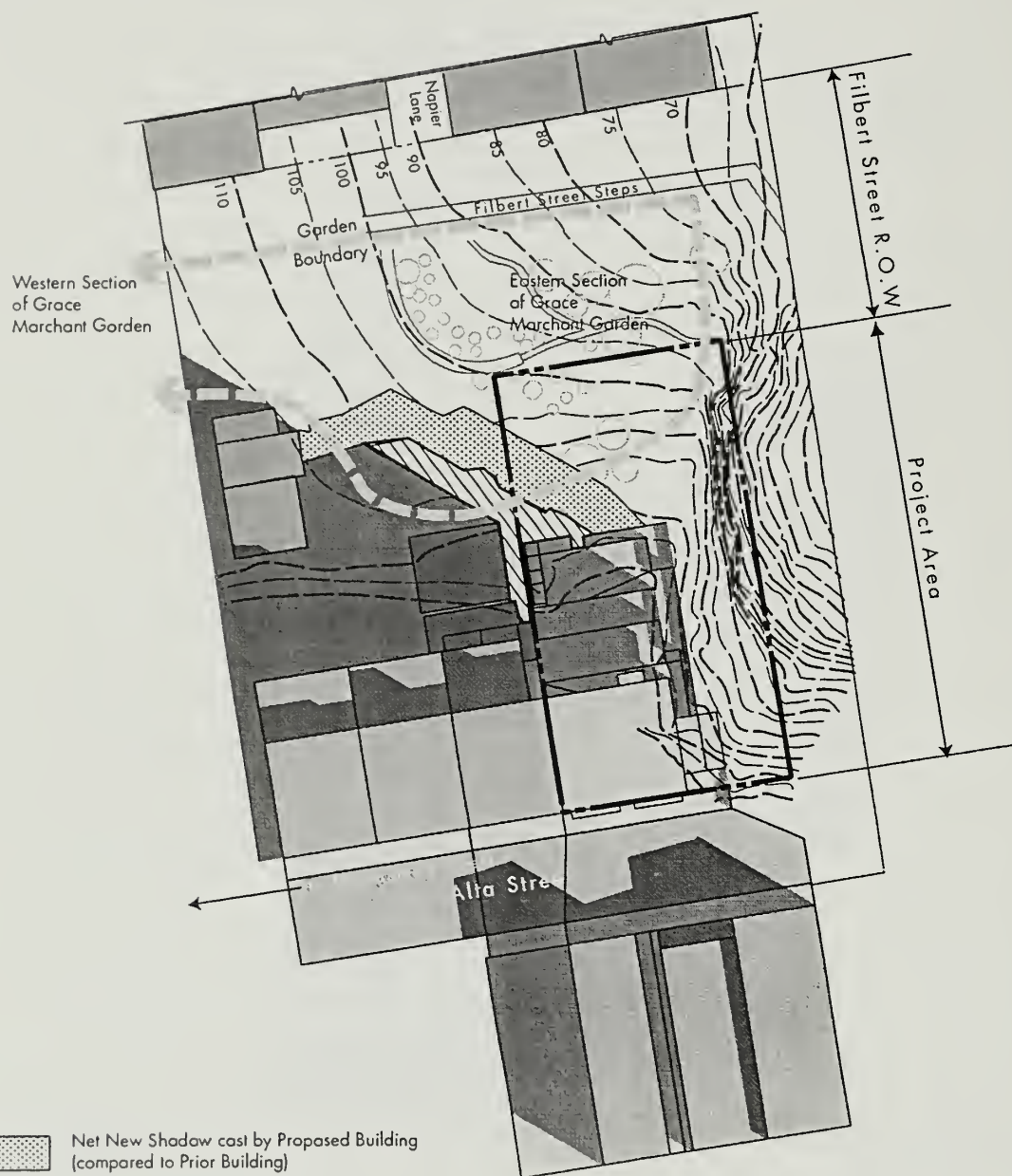
22-30 Alta Street Shadow Analysis / 970415 ■

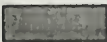
Figure 27
Proposed Design Shadows
June 21 - 3pm



SOURCE: Environmental Science Associates

Figure 28
Proposed Design Shadows
September 21 - 9 am



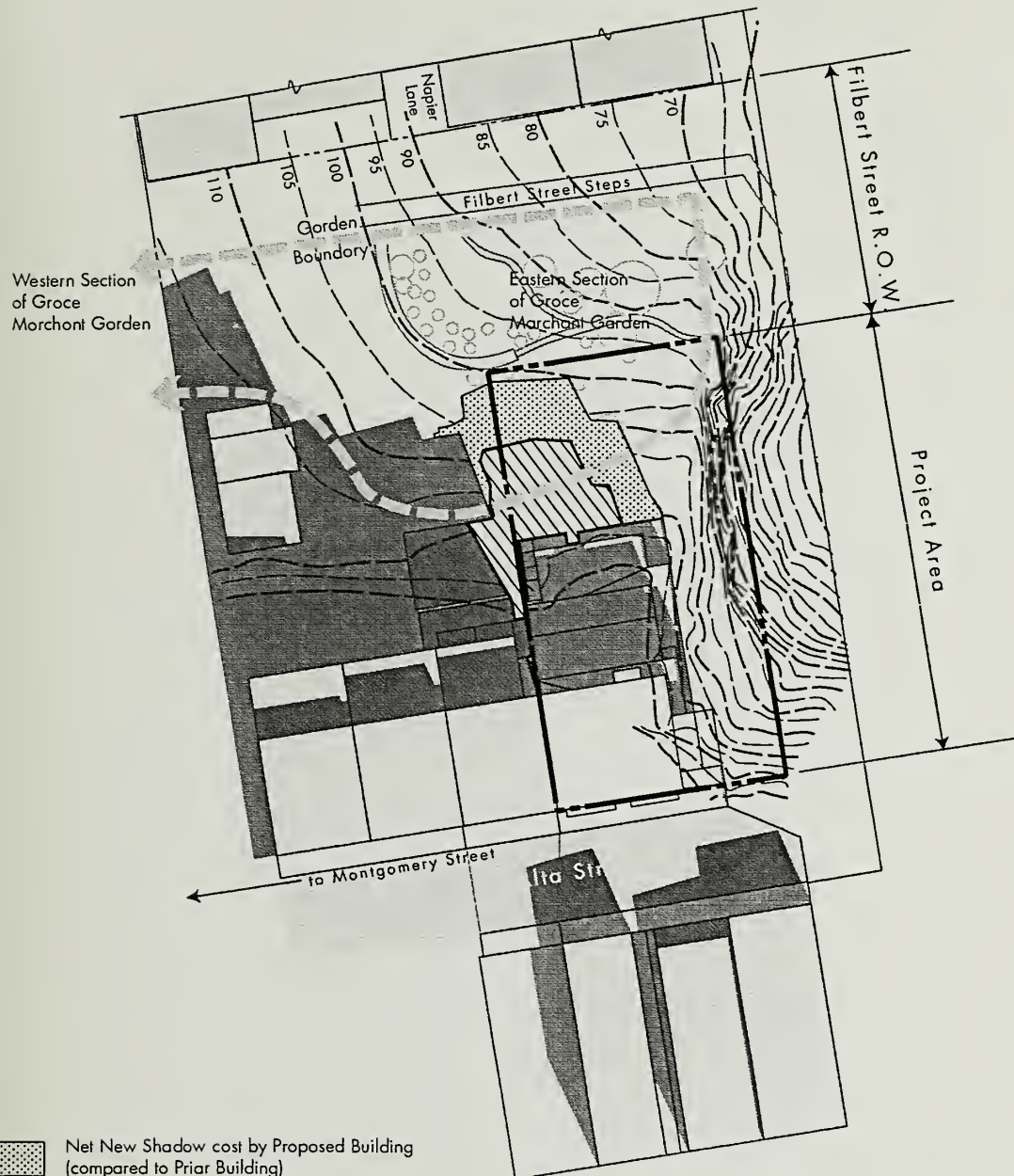
- A  Net New Shadow cast by Proposed Building
(compared to Prior Building)
- B  Shadow cast by Prior Building (pre-1992)
- Net new shadow compared to existing conditions
(with no building on site) is the sum of A & B.
-  Existing Shadows
(Shadow on Proposed Building includes
New Project Shadow)



SOURCE: Environmental Science Associates

22-30 Alta Street Shadow Analysis / 970415 ■

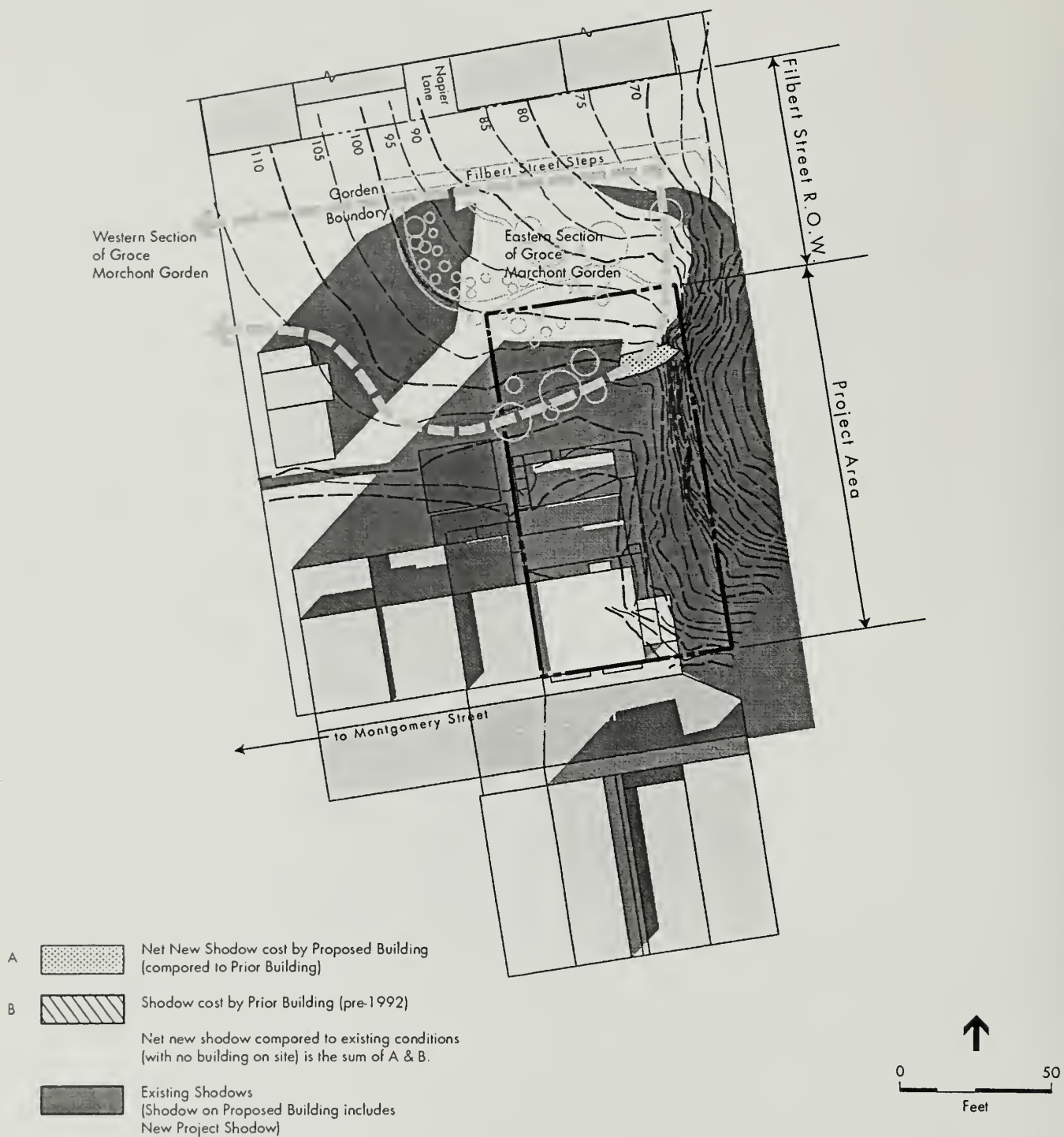
Figure 29
Proposed Design Shadows
September 21 - 10 am



SOURCE: Environmental Science Associates

22-30 Alta Street Shadow Analysis / 970415 ■

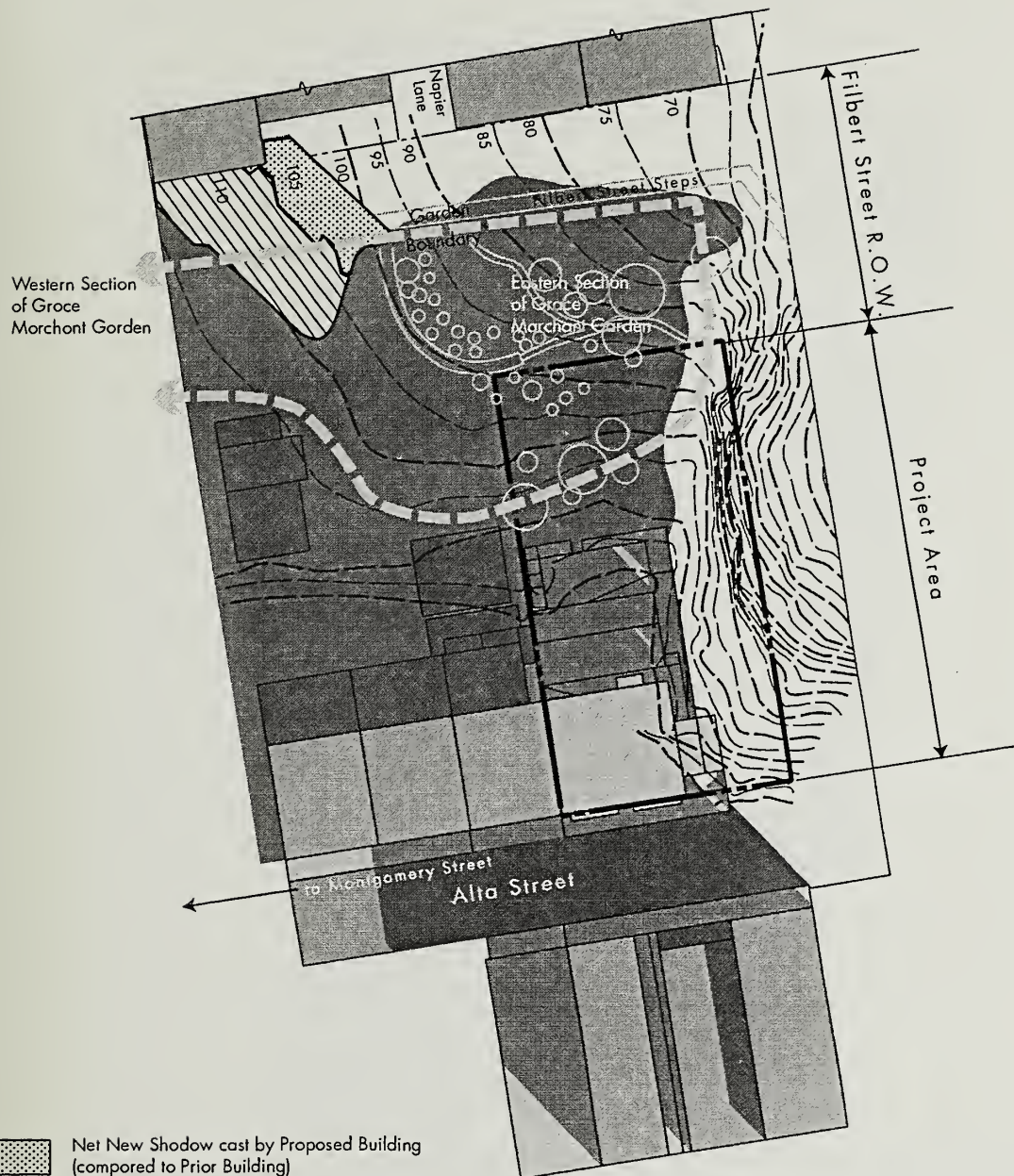
Figure 30
Proposed Design Shadows
September 21 - 12 noon



SOURCE Environmental Science Associates

22-30 Alta Street Shadow Analysis / 970415 ■

Figure 31
Proposed Design Shadows
September 21 - 3pm



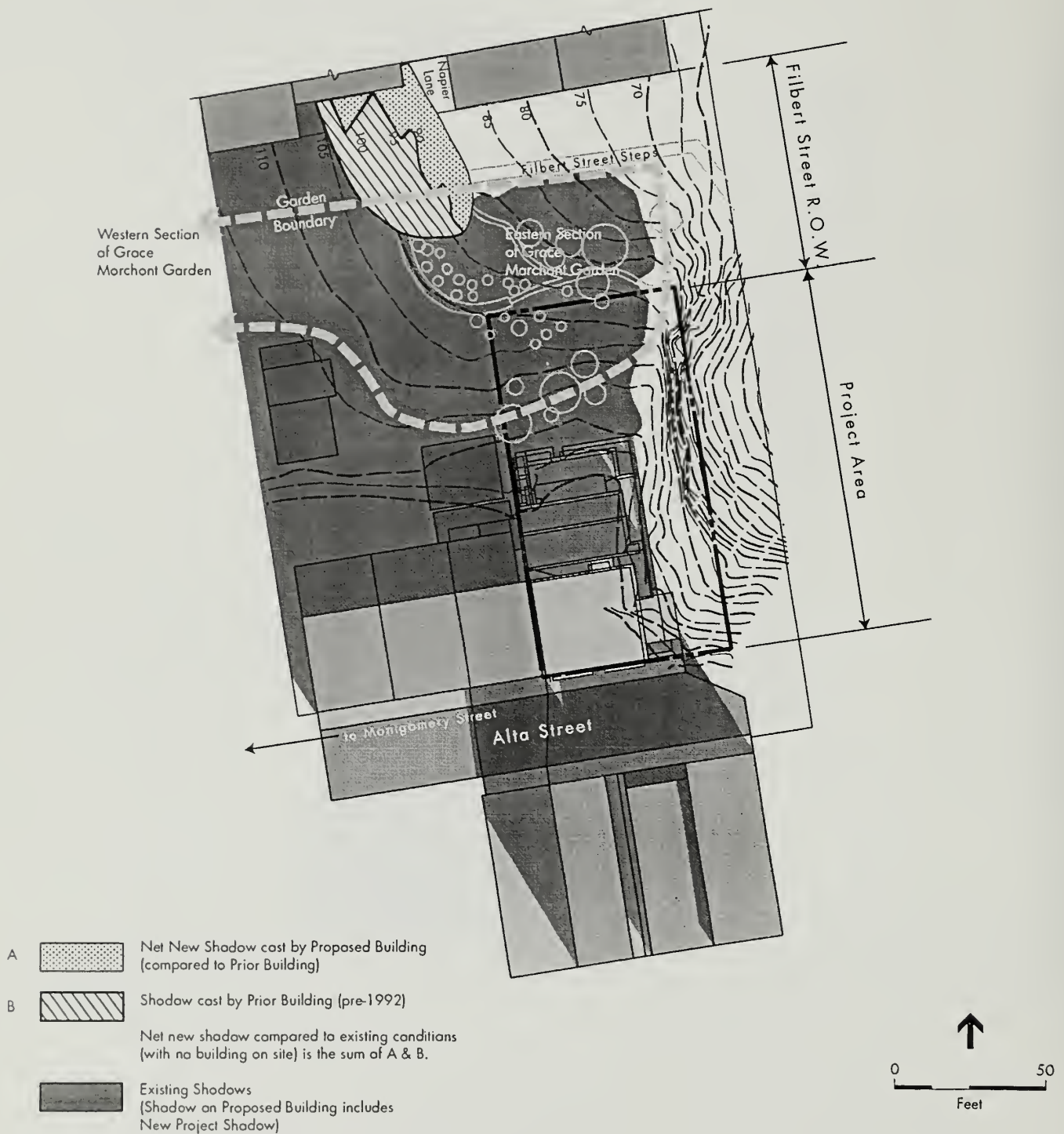
- A  Net New Shadow cast by Proposed Building
(compared to Prior Building)
- B  Shadow cast by Prior Building (pre-1992)
-  Existing Shadows
(Shadow on Proposed Building includes
New Project Shadow)
- Net new shadow compared to existing conditions
(with no building on site) is the sum of A & B.



SOURCE: Environmental Science Associates

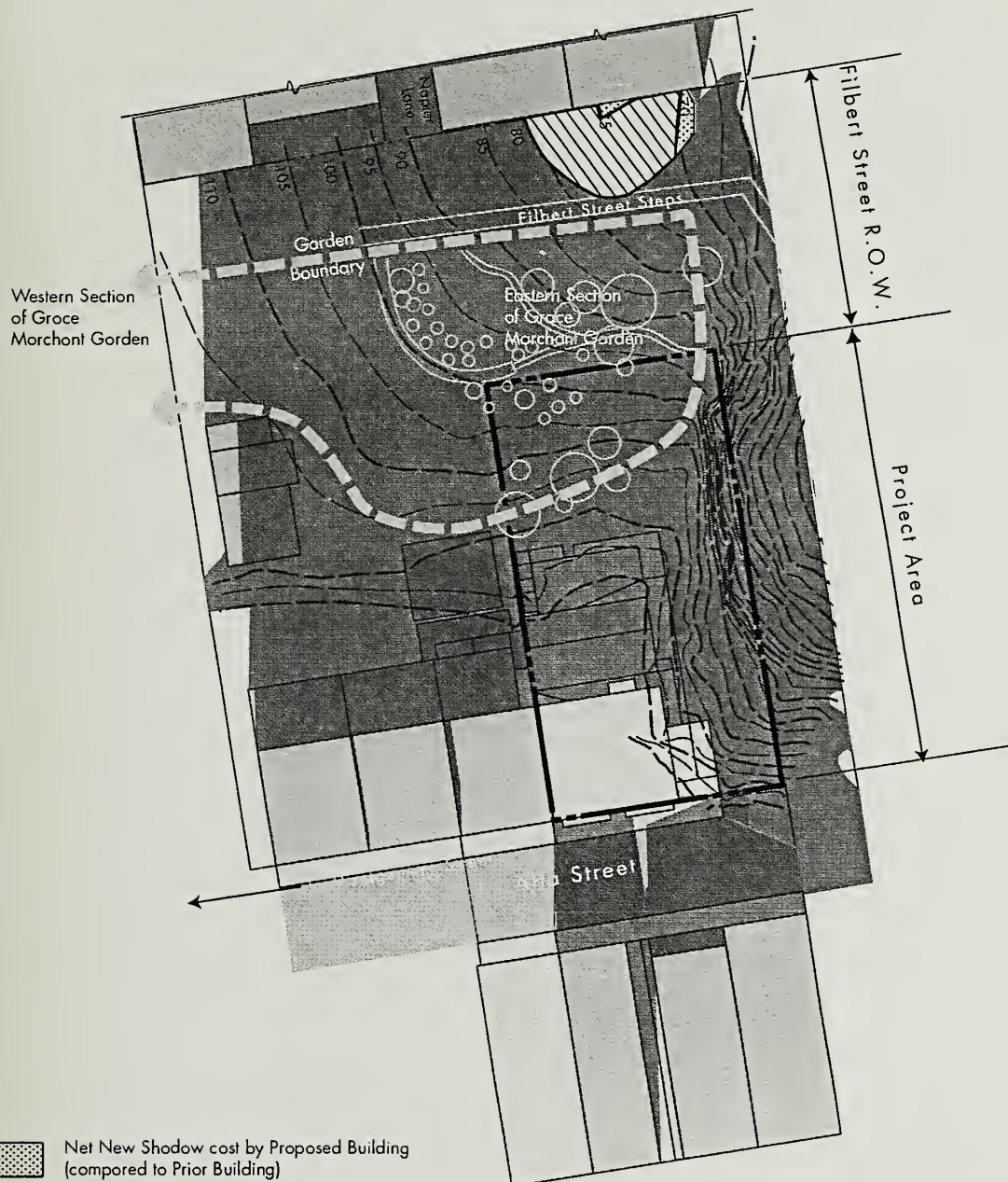
22-30 Alta Street Shadow Analysis / 970415 ■

Figure 32
Proposed Design Shadows
December 21 - 9 am



SOURCE: Environmental Science Associates

Figure 33
Proposed Design Shadows
December 21 - 10 am



SOURCE: Environmental Science Associates

Figure 34
Proposed Design Shadows
December 21 - 12 noon



SOURCE: Environmental Science Associates

22-30 Alta Street Shadow Analysis / 970415 ■

Figure 35
Proposed Design Shadows
December 21 - 3pm

the McNear building also extended beyond the property line. Existing shadow, with no building on the site, entirely covers the Filbert Steps at Noon and at 3:00 p.m.; the differences between the existing shadow, the prior building shadow, and the project shadow are small.

March and September

In March and September, shadow from the project would not, and shadow from the prior building did not, reach the Filbert Street right-of-way or the Filbert Steps at any of the times examined. As was the case with shadow cast by the McNear building, shadow from the proposed project would either remain on the project lot or merge with existing shadows cast by other existing buildings and by the hillside itself.

June

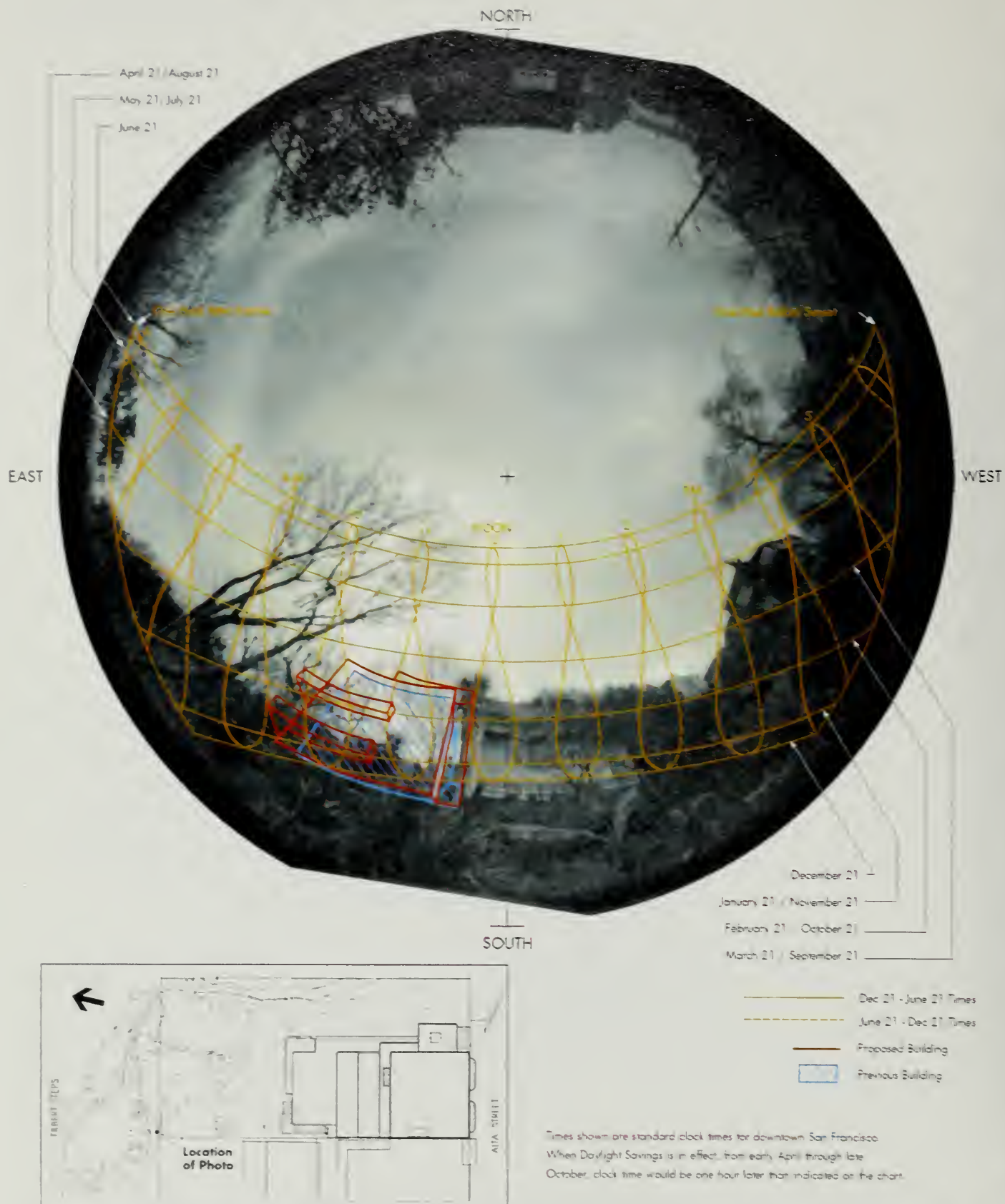
June shadows from the project would be relatively small in area and mostly contained within the area of the project lot, as was true with shadow from the McNear building. Shadow from the project would not reach the Filbert Street right-of-way or the Filbert Steps at any of the times examined, nor did shadow from the McNear building.

Sun Path or “Fisheye” Analysis

To further describe the potential for the project to add new shadow on the Garden, a sun path or “Fisheye” analysis was performed (see Figure 36). This analysis uses a camera lens with a 180° field of view to present the conditions that occur at the particular location from which the photograph is taken. The 180° lens allows the camera to photograph the full hemisphere of the sky³ directly above that location. A matrix that identifies the path of the sun throughout the day over the course of the year is then superimposed on the photograph. In Figure 36, the existing condition (with no building present) is shown on a photograph taken from the northwest corner of the project site, at a height of about 40 inches above the surface of the ground. The location of interest is at the north property line of the project site because it offers the worst-case view from outside the property but within the Garden.

This type of diagram accurately depicts the time of day throughout the year that direct sunlight would reach a location, but creates an exaggerated visual image due to the distortion of the fish-eye lens. This technique differs from the shadow pattern analysis in that it does not predict the extent of shadow but rather the duration of sunlight and shade at one specific location. Horizontal lines indicate specific dates in the year (e.g. June 21 or May 21/July 21), while the vertical lines (actually distorted “figure-eights”) indicate time of day. At the times of day and periods of the year, indicated by the horizontal and vertical

³ Note that the image has the same perspective as a person would have when looking straight up into the sky from the photograph location. Compared to a map image, which looks downward, the fisheye image reverses the west and east directions. The sun's path, from east to west, would move across the image from the left hand side to the right hand side.



SOURCE: Environmental Science Associates

22-30 Alta Street Shadow Analysis / 47-415 ■

Figure 36
Sun Path Analysis

lines, that the project outline falls on the diagram, the project would cast shadows at the point where the photograph was taken.

The shadow conditions with the project were compared to conditions with the site vacant, as it is currently, and with the McNear building located on the site. The difference in shadow effects caused by the project when compared to the vacant site in its current condition is that the project would add shadow to the photo location analyzed for an interval of about two hours (10:00 a.m. to noon PST) during two six-week intervals — from late January until early March and from early October until late November. Currently, the study location receives no sun after mid-day under existing conditions. When compared to conditions with the McNear building on the site, the project would result in 30 additional minutes (10:00 a.m. to 10:30 a.m. PST) of shadow during the same two six-week periods. The extent of new shadow at various times of the day and during different seasons is discussed below.

The project would add no new shadow during the two months of the year when the study location within the Garden is currently in shade. Nor would the add new shadow to this location during the interval from early March until early October, when this location is currently in full sun from morning until mid-afternoon. Accordingly, the Initial Study for the proposed project concluded that the project would not have a substantial adverse effect on the biology of the Grace Marchant Garden. For more detailed information regarding the potential impacts of the project on biological resources in the Garden as a result of additional shadow, see the discussion in section III.F, Biology, that has been added for informational purposes.

Figure 36 illustrates, for the study location, the McNear building shadow described above under “Pre-1992 Conditions” and the proposed building shadow described above under “Evaluation of Impacts.” The additional portions of the sun path matrix covered by the outlines of the prior building and of the project clearly indicate those times of day and months of the year when additional shadowing (beyond what is already shadowed by existing structures and topography) of this part of the Garden did or would occur due to each building. That is, the approximately 90 minutes of shadow cast by the McNear building, compared to conditions with no building on the site, and the additional approximately 30 minutes of shadow (for a total of two hours) that would be cast by the proposed project.

By its nature, shadow is cumulative, since each successive building may add to shadow created by prior buildings. However, shadow is also site-specific. Because there are no other reasonably foreseeable projects that could add shadow in proximity to the shadow that would be created by the proposed project, no cumulative impacts are anticipated.

E. GEOLOGY AND SEISMICITY

SETTING

A geotechnical and geological feasibility study conducted by Rogers/Pacific, Inc. in July 1996 focused on the geological conditions and provided preliminary recommendations regarding subsurface and foundation engineering aspects of the proposed three-unit residential structure. A second geotechnical/geological engineering analysis was performed in April 1998 by Cotton, Shires and Associates (CSA). The purpose of the investigation was to conduct a peer review and verify the previous findings of the Rogers/Pacific study. Material from these reports forms the basis of the site-specific discussion in this section. The CSA peer review of the Rogers/Pacific study found the original report to have been accurate and thorough, but also made recommendations for additional slope stabilization measures. All of the measures recommended in the two reports were accepted by the project sponsor.

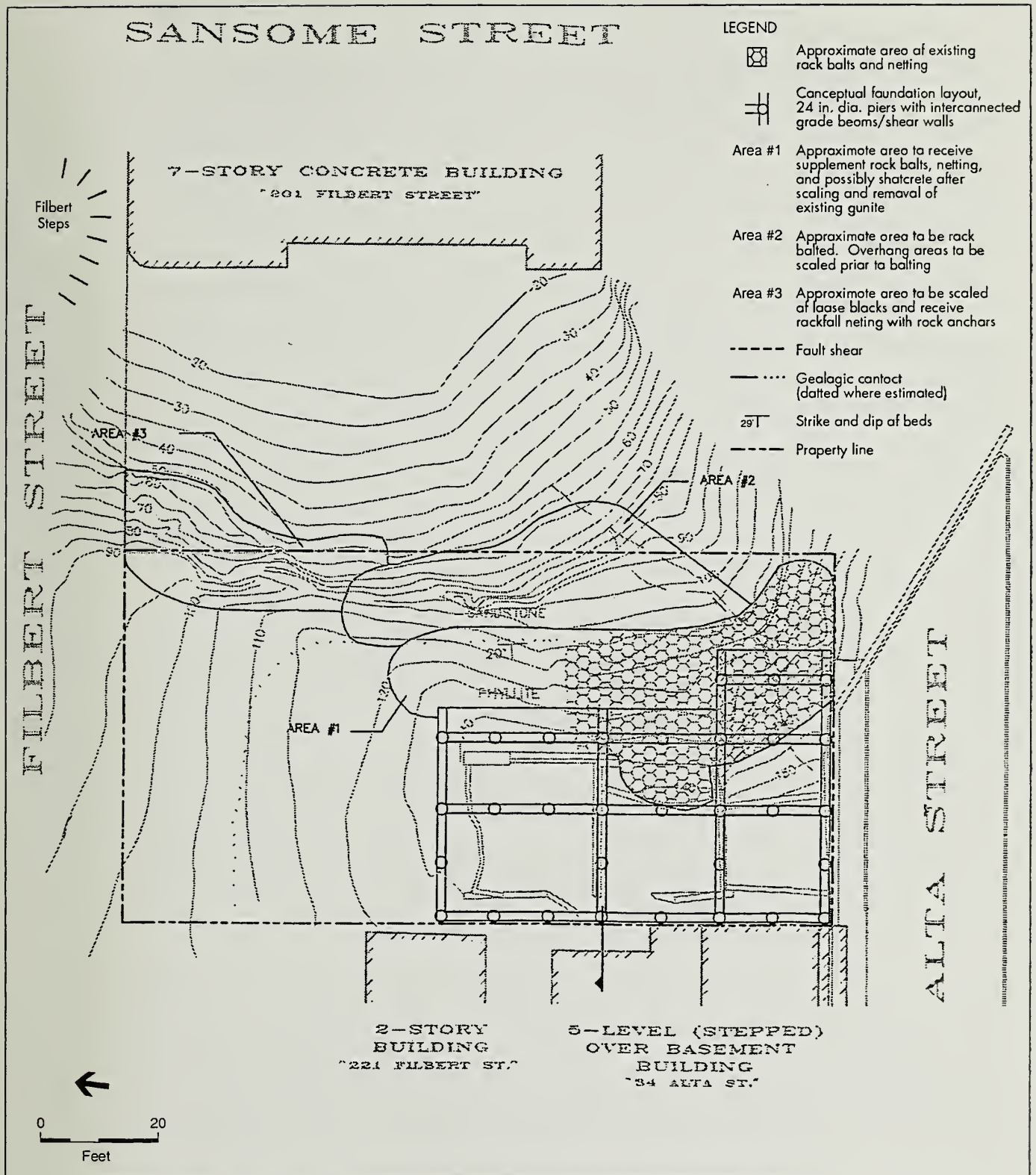
TOPOGRAPHY

The City of San Francisco is located at the northern terminus of the San Francisco Peninsula, bounded to the north and east by the San Francisco Bay and to the west by the Pacific Ocean. Distinguishing characteristics of the City's topography include rounded hills surrounded by broad valleys and sheer, bedrock cliffs. This terrain resulted primarily from the erosion of resistant bedrock uplands and the deposition of sand dunes.

The project site is located at the crest of the sheer eastern cliff face of Telegraph Hill, at elevations ranging from approximately 75 feet above mean sea level (msl) along the cliff face to 140 feet msl at the crest. The site dimensions are approximately 120 feet long by 62.5 feet wide, occupying approximately 0.2 acres. The property is currently undeveloped and contains remains of the concrete foundation from the previous Fred McNear Jr. Apartment Building that existed on the site from 1935 to 1992. Figure 37 depicts the topography of the site and the conceptual project foundation design.

The upper pad area is sloped and steps downward from south to north between the old foundation walls to the north at an inclination of approximately 2H:1V (2 feet horizontal to 1 foot vertical). The northern portion of the property slopes gradually towards the Filbert Street right-of-way. The area adjacent and east of the project site consists of steep slopes with inclinations of approximately 0.7H:1V (55 degrees). Localized portions of the east cliff face are steeper and can have inclinations of up to 90 degrees with some sections within the lower bedrock units overhanging (i.e. steeper than vertical). The moderate slopes are natural while the steeper slopes are result of extensive quarry operations that took place on the eastern slopes of Telegraph Hill in the late 19th and early 20th centuries. The properties adjacent and to the north, west and south of the project site are situated at similar elevations with similar topography (Rogers/Pacific, 1996).

A series of rockfalls have occurred in the vicinity of the project site since quarry operations ceased on Telegraph Hill in 1915. In the winter of 1923-24, a significant rockfall occurred at the end of Alta Street,



SOURCE: Rogers/Pacific

22 - 30 Alta Street ■

Figure 37
Site Geology Map with Conceptual Foundation
Configuration and Slope Treatments

dislodging sections of the former quarry face and depositing talus (rock fragments) onto the Filbert Steps. The City of San Francisco completed slope and street repair projects in this section of Telegraph Hill in the early 1930s. These projects included the realignment of Montgomery, Filbert and Alta Streets, and construction of a retaining structure down the north side of Alta Street. The construction of residential structures began in the 1930s following the completion of the street and rock slope improvements.

At the onset of commercial development at the eastern edge of Telegraph Hill in the late 1960s, various geotechnical investigations recommended slope stability structures to stabilize the old quarry faces, but the proposed plans were not implemented. In 1967, a rockfall occurred below the McNear building. This rockfall removed a portion of the foundation nearest the cliff face. Stabilization structures for the slope and building foundation installed at that time included vertical piers tied back to reinforced grade beams. The repair also included application of a protective concrete veneer to the slope (gunite). In 1982, minor rockfalls occurred on the lower portion of the slope, possibly due to the excavation activities for new construction at 201 Filbert Street, located at the base of the hill east of the project site. Another rockfall occurred at the same site in 1989. Recommended slope stability measures including rockbolting and concrete treatment of the slope were not implemented.

In 1992, following repaving by the City on Alta Street, a rockfall occurred on the slope at the foot of Alta Street dislodging and depositing talus onto the adjacent property to the east. The suspected cause of the slope failure was surface infiltration of rainwater during the period between the removal of the old concrete and application of the replacement concrete (Rice, 1998). This slope failure detached the gunite slope treatment that had been protecting the upper slope since its application in 1967. Without the gunite slope treatment or the asphalt covering on Alta Street, infiltrating surface water degraded the weathered and fractured shale bedrock that continued to ravel and dislodge from the upper portions of the slope. The degradation of the slope eventually undermined portions of the McNear building foundation. Continued undermining, exacerbated by heavy rainfall, resulted in the failure and destruction of the retaining wall originally placed along Alta Street.

As a result of this slope failure, the City demolished the McNear building and undertook additional slope protection measures. The slope treatment measures included a significant amount of scaling to remove loose rock, construction of a tie-back wall supported by deep piers at the end of Alta Street, rockbolting with prestressed bolts and mechanical anchors and covering portions of the slope with gabion rockfall netting. In addition, the concrete paving on Alta Street was replaced. At this time, there are no requirements or plans for further stabilization of the slope, absent construction of the proposed project.

GEOLOGY

The City of San Francisco is situated within the natural region of California referred to as the Coast Range geomorphic province. Much of the Coast Range province is composed of marine sedimentary rocks and basalt known as the Franciscan Assemblage. The Franciscan assemblage in this region

contains amounts of greenstone (altered volcanic rocks), basalt, chert (ancient silica-rich ocean deposits), and sandstone that originated as sea floor sediments. These rocks occur in northwest trending ridges and valleys and extend along the Pacific Coast from Oregon 400 miles south into southern California (Oakeshott, 1978).

Franciscan assemblage bedrock consisting of pre-Tertiary (greater than 65 million years ago) sedimentary, metamorphic and igneous rocks underlie the City of San Francisco. These rocks were formed on ancient sea floors and eventually uplifted through movement at the margin of the continental plate. The Franciscan rocks include shale and massive and thick-bedded graywacke sandstone (dark colored sandstone composed of various sized angular grains in a fine-grained matrix). Graywacke sandstone and shale is the predominating bedrock in the northeastern portion of San Francisco and makes up Nob Hill, Russian Hill and Telegraph Hill. The hills are composed of massive sandstone and shale in vertical sequences with an approximate thickness of 3,650 feet. The orientations of the bedrock units suggest geologic structure characterized as a northwesterly trending syncline (concave-upward folded rock mass). The resistant, exposed limbs of the syncline form Telegraph Hill to the northeast and Nob Hill and Russian Hill to the southwest (Schlocker, 1974).

Published geologic maps and previous site mapping by Rogers/Pacific in 1996 and CSA in 1998 identified the bedrock underlying the project site as Franciscan Complex graywacke sandstone containing interbedded shale and conglomerate overlain by a weathered and highly fractured, altered Franciscan shale (sometimes referred to as phyllite). Previous mapping indicated that the sandstone and shale are oriented to the north-northwest and are tilted to the west, into the slope face.

Subsurface geologic mapping indicated that the upper 31 feet of the shale unit is weathered, deeply in some locations, with isolated layers of interbedded sandstone. The shale at these depths is thinly-bedded and friable with low hardness, intensely fractured and pervasively sheared and disrupted (CSA, 1998). The quality of the rock increases and bedding becomes more coherent with depth. At approximately 31 feet below the surface, a shear zone¹, up to ¼-inch thick, composed of plastic clay separates the weathered shale from the more competent graywacke sandstone rock below. Below this shear zone the shale is thin-bedded, slightly weathered, moderately hard, strong, and closely fractured (CSA, 1998).

Surface mapping of the slope face indicates that the exposed shale unit is generally weak, disrupted and intensely fractured. The shale on the slope face can slake (crumble and disintegrate due to effects of weathering) rapidly and is undergoing rock topple (rock creep) (CSA, 1998). The more competent sandstone exposed on the eastern face of the slope is slightly weathered, moderately fractured, hard and dips into the slope.

¹ A shear zone is a tabular zone of rock that has been crushed by many parallel fractures due to deformation resulting from stresses that cause rock bodies to slide past one another.

Previous site mapping identified several localized zones of sheared rock or ancient small faults cutting vertically through the sandstone and the shale. The small shear zones are oriented to the north and tilt towards the southwest into the sheer quarry face. These old shears appear to be associated with the ancient tectonic deformation of Telegraph Hill, namely the formation of the syncline. The shear zones have partly contributed to determining the shape of the cliff face. Approximately 20 feet of offset was identified at the shale/sandstone contact (Rogers/Pacific, 1996).

Slope failures (landslides) result in down-slope movement of rock and/or soil that occur on steep slopes when the forces restraining the slope are overcome by those forces that initiate movement. Rockfalls, or slope failures in rock slopes, can occur on steep rock slopes composed of fractured or jointed rock. Typically, failures occur along joints, fractures, bedding planes and shear zones causing rock blocks to become dislodged and eventually topple. Mechanisms that may initiate a failure on a rock slope include seismic groundshaking, pore pressure buildup, and the effect of gravity on overly steep slopes.

The exposed, weathered shale in the upper slope area is currently undergoing bedrock creep. A likely scenario for instability within the shale is raveling debris (Rogers/Pacific, 1996). The underlying massive sandstone is less jointed and fractured and historically has been subject to less rockfall. Analysis of the sandstone suggests that there are various “blocks” of rock that have a potential for instability (Rogers/Pacific, 1996). Because preexisting rock fractures can affect the overall strength of the rock mass, rock slope stability is usually evaluated by the structural discontinuities rather than the strength of the rock itself (Rogers/Pacific, 1996).

The project site vicinity (Telegraph Hill) is an area designated as susceptible to landslides (San Francisco Planning Department, 1997). At the present time, rockfall netting and rockbolts, installed in 1993, have confined various small rockfalls from the upper portion of the slope composed of shale. Rockfalls occurring in the massive sandstone slopes have consisted of small blocks raveling off the slope. These rockfalls have been retained by the slope catchment area behind the office building at 201 Filbert, east of the project site (Rogers/Pacific, 1996). The internal areas of the concrete foundation ruins are covered with gunite (impermeable surface veneer of concrete and grout) to seal the upper portion of the slope from surface water infiltration.

SEISMICITY

The San Francisco Bay Area is a region of high seismic activity and is in Zone 4 (most hazardous) on the Uniform Building Code (UBC) Seismic Zone Map of the United States. Both active and potentially active faults exist in the San Francisco Bay Area. An “active” fault is defined as a fault that has had surface displacement within Holocene time (approximately the last 10,000 years). A “potentially active” fault is defined as a fault that has shown evidence of surface displacement during the Quaternary (last 1.6 million years), unless direct geologic evidence demonstrates inactivity for all of the Holocene or longer (Hart, 1992).

The active faults considered to have the greatest potential to cause damage in the project area are the San Andreas fault, Seal Cove-San Gregorio fault, Hayward fault, and Rodgers Creek fault (ABAG, 1995). These faults range from 7 to 43 miles from the site, with the San Andreas (North Coast and Peninsula segment) being the closest. Other active faults in this region which are expected to cause less damage in San Francisco include the Calaveras, Concord, Maacama, Green Valley, West Napa and Greenville faults.

Although no known active faults are located within San Francisco, earthquakes on the San Andreas fault system and Hayward fault pose especially high risks to San Francisco and the project site because of their relatively close proximity and frequency of past movement. The National Earthquake Prediction Evaluation Council, formed subsequent to the 1989 Loma Prieta Earthquake, evaluated the possibilities of one or more earthquakes of magnitude 7.0 or more, occurring in the San Francisco Bay Area within the next 30 years. The result of the evaluation indicated a 67 percent likelihood that an earthquake event of Richter magnitude 7.0 or higher will occur in the Bay Area between 1990 and 2020 (San Francisco Planning Department, 1997).

The Alquist-Priolo Earthquake Fault Zoning Act, signed into law December 1972, requires the delineation of zones along sufficiently active and well-defined faults. The purpose of the Alquist Priolo Act is to regulate development on or near active fault traces to reduce the hazard of fault rupture. No known active faults requiring delineation under the Alquist-Priolo Act have been identified within San Francisco.

Seismic Hazards

The greatest risk to life and property in San Francisco result directly from the ground shaking and ground failure associated with large earthquakes (San Francisco Planning Department, 1997). Groundshaking may affect areas hundreds of miles distant from the location at which the earthquake is centered (epicenter). Historic earthquakes have caused strong groundshaking and damage in the San Francisco Bay Area.

Underlying soils in areas located relatively distant from faults can intensify groundshaking. Portions of San Francisco that experienced the worst structural damage in prior earthquakes were not necessarily those closest to the fault but rather, in areas with soils that magnified the effects of ground shaking. The majority of hills within San Francisco, as is the case with Telegraph Hill, are composed of bedrock and tend not to amplify groundshaking (San Francisco Planning Department, 1997).

Seismic shaking caused by a San Francisco Bay Area earthquake could cause landsliding and rockfalls on many of the steep soil and rock slopes within San Francisco. Many of the rock slopes within San Francisco are composed of fractured and weathered bedrock that is susceptible to failure under certain groundshaking intensities. Structural discontinuities (fractures, joints shear zones) in the shale and

massive sandstone on the slopes at the project site increase the potential for rockfalls in the event of an earthquake.

REGULATORY BACKGROUND

Seismic Hazards Mapping Act

The Seismic Hazards Mapping Act, enacted by the California Legislature in 1990, was developed to protect the public from the effects of strong groundshaking, liquefaction, landslides, or other ground failure, and other hazards caused by earthquakes. The Act requires the State Geologist to delineate various seismic hazard zones and requires cities, counties, and other local permitting agencies to regulate certain development projects within these zones. Before a development permit is granted for a site within a seismic hazard zone, a geotechnical investigation of the site must be conducted and appropriate mitigation measures incorporated into the project design. A Seismic Hazards Map (Zones of Liquefaction Potential) for the San Francisco North quadrangle, which includes the project site, was issued by the California Division of Mines and Geology (CDMG) in 1997; CDMG has not yet issued Seismic Hazards Maps for areas subject to landsliding.

Uniform Building Code

California has adopted the Uniform Building Code (UBC) (Title 24, Part 2, CCR). In order to regulate seismic safety in its jurisdiction, San Francisco uses a modified version of UBC that includes provisions for excavation, grading, erosion control, foundation investigations, general design, structural integrity, and slope stability. The San Francisco Building Code contains amendments, additions, and repeals that are specific to building conditions and structural requirements in San Francisco. Specifically, Chapters 16 and A16 of the City Code deal with structural force design requirements, including regulations governing seismic-resistant construction. Chapters 18, 33, and A33 pertain to foundations, retaining walls, excavation and grading, as well as requirements for foundation investigations, seismic-resistant design, stable cut- and fill-slopes, and drainage and erosion control. Portions of these chapters relating to seismic safety are more stringent than the requirements provided in similar chapters of the Uniform Building Code. Since the project site is under the jurisdiction of the City, seismic safety provisions of the current (1997) San Francisco Building Code would apply. This most recent version of the Code would be used since it more adequately accounts for the proximity to faults and subsurface conditions.

Community Safety Element of the San Francisco General Plan

The Community Safety Element of the *San Francisco General Plan* contains maps that show areas in the City subject to geologic hazards (San Francisco Planning Department, 1997). The project site is located in an area subject to groundshaking from earthquakes along the San Andreas and Northern Hayward Faults and other faults in the San Francisco Bay Area (Maps 2 and 3). The project site is located in an area designated as susceptible to landsliding (Map 5). For any development proposal in an area of potential landsliding, the Department of Building Inspection (DBI), in its review of the building permit

application, requires the project sponsor to prepare a geotechnical report that assesses the nature and severity of the hazard(s) on the site and recommends project design and construction features that would reduce the hazard(s). To ensure compliance with all San Francisco Building Code provisions regarding structural safety, when DBI reviews the geotechnical report and building plans for a proposed project it determines necessary engineering and design features for the project to reduce potential damage to structures from groundshaking and landslide.

IMPACTS

SIGNIFICANCE CRITERIA

The City has no formally adopted significance standards for potential impacts related to geology and seismicity. However, projects are normally found to have a significant effect on the environment if they would cause substantial soil erosion or unstable ground conditions; or if they would expose substantial numbers of people or structures to geologic or seismic hazards. The existing known seismic hazard factors specific to a site determine the potential for structural and safety hazards that can occur with the development of a project.

EVALUATION OF IMPACTS

Geologic Hazards

Considering past slope movements on the site, it can be assumed that future slope movement could take place in the more fractured, weathered shale rock overlying the sandstone, and rockfalls could continue to occur on the steeper portions of the project site. Talus (broken rock dislodged from the slope) from rockfalls could cause property damage as well as injury to people below the slope. If rockfalls were to occur, it would likely be on the cliff face along the eastern side of the project site. The south and west walls of 201 Filbert Street, the building located at the base of the cliff to the east of the project site, have no windows and were constructed with reinforcement to protect the structure against rock falls from the adjacent cliffs. The reinforcement of 201 Filbert Street extends several stories from the ground level and includes thicker walls with additional structural steel. The vacant area behind 201 Filbert Street serves as a catchment area for talus that becomes dislodged and falls from the adjacent cliffs (Rice, 1998).

Further, this area is fenced with a locked gate that serves to limit access to the cliff base and thus reduces public access to the potential rockfall hazards. Rockfalls from the project site are less likely to occur on the gradual northern slope and therefore are not likely to affect people or property in the vicinity of the Filbert Steps or Grace Marchant Garden.

The project would involve construction of a residential building immediately adjacent to a steep bedrock slope at the eastern side of Telegraph Hill. One of the primary issues regarding the development of the property is the stability and treatment of the rock mass comprising the cliff. Recommended slope stabilization measures in the two geotechnical studies completed for the project (Rogers/Pacific, 1996; CSA, 1998) are proposed as part of the project. These measures include:

- Installation of additional prestressed rockbolts in the various locations on the bedrock slope to supplement those installed in 1993;
- Installation of gabion wire netting across the upper portions of the slope face;
- Guniting or shotcrete covering or structural wire mesh, tied back with rockbolts (or some equivalent measure) shall be used to reduce bedrock raveling thus reducing maintenance of the upper slope (application of guniting or shotcrete to the slope would also reduce surface water infiltration);
- Removal of loose or overhanging rocks and installation of rock netting to reduce future rockfalls and contain talus;
- Direction of surface drainage away from the foundation of the proposed structure to avoid water flowing or ponding adjacent to the foundation;
- Installation of drop inlet pipes, gutters, downspouts and interceptor drains to control surface water infiltration and direct surface water away from the foundation and slope;
- Addressing final foundation design criteria such as placement and design of concrete piers and rockbolt sequencing; and
- When the plans for the proposed project are finalized, a certified geotechnical engineer will review the plans and conduct an additional rock mechanics analysis of the sandstone slope incorporating findings from the initial study performed by Rogers/Pacific in 1996 and additional observations provided by CSA in 1998. This additional analysis should ensure that seismic and hydrostatic pressures have been adequately addressed.

Absent the above measures, rockfalls would be expected to occur from the steep slope east of the proposed project. However, implementation of the recommended slope stabilization and treatment measures that are included in the project would control and/or eliminate the mechanisms that could lead to future slope failures and rockfalls, rendering these events unlikely. Compliance with the geotechnical recommendations and applicable Uniform Building Code (as modified for San Francisco) provisions would reduce the likelihood of future slope failure and rockfall hazards to a less-than-significant level.

Seismic Hazards

Since the project site is located in proximity to known active faults in the San Francisco Bay Area, the proposed residential building would be subjected to seismically induced forces. Considering predicted earthquake intensity data and historic structural response on Telegraph Hill, the probability of a seismic event at the project site capable of causing total building collapse is low. Should a seismic event cause partial or total building collapse, debris would be dislodged and could fall to the base of the slope, potentially resulting in damage to the building below and adjacent to the site and, potentially, personal injury to people in the immediate area. As noted in the setting, access is restricted to the parcel at the base of the steep slope. This impact analysis assumes that final foundation and structural design, as well as construction would comply with the requirements of the Uniform Building Code (as modified for San Francisco). The Code provides design requirements to prevent major structural damage and maintain

life safety. Compliance with Code requirements for design, materials, and construction techniques would reduce the hazard of structural damage to the proposed residential structure to within an acceptable level of risk. Additionally, since structural design requirements of the Code are currently more stringent with regard to seismic loads than previously, the proposed building would be a substantially safer structure than the previous apartment structure constructed at the site in the 1930s and other older structures nearby. While the potential hazards of earthquake-induced structural failure cannot be eliminated for any new building in a seismically active area, compliance with applicable current codes and with recommendations of the project's geotechnical reports, including pier and grade beam construction, would reduce the impact of seismically induced structural damage to a less-than-significant level.

Incorporation into the project of the slope treatments such as rockbolting, rock netting and pressure-applied concrete coatings, as recommended in the project's site-specific geotechnical reports, would also reduce to a less-than-significant level the potential impact of seismically induced slope failure that could otherwise cause rockfall to damage the building below.

While collapse of the proposed residential structure would be unlikely, some structural damage could be sustained by the foundation, and non-structural damage could also occur, including falling of light fixtures or overhangs and overturning of unattached equipment. Such non-structural damage caused by ground shaking would be considered a major source of seismic hazards at the project site. Earthquake damage and injuries often occur when heavy objects fall from above, including ceiling tiles, light fixtures, wall hangings, and ventilation equipment. Heavy equipment and furniture that is not secured to structural elements of the building (floors, walls, or ceilings) is also hazardous during earthquakes because it may overturn or move, causing injury and additional damages, blocking of exits and disruption of fire control systems. This impact analysis assumes that all new interior construction will comply with California Code of Regulations, Title 24 standards for seismic resistance, and the seismic provisions of the San Francisco Building Code, whichever provides the most stringent requirements. Compliance with these building codes would reduce the impact of damage from unsecured objects in an earthquake to a less-than-significant level.

Construction Hazards

Preliminary recommended design of the building foundation involves the placement of approximately 32 interconnected straight-shaft reinforced 24-inch diameter concrete piers. These piers would extend through the underlying shale and into competent sandstone bedrock to depths of up to approximately 40 feet. A surface foundation, consisting of an interconnecting system of tie beam/shear walls, would connect to the piers.

From a construction operations standpoint, excavation and installation of the recommended vertical piers and foundation would be difficult considering the access from Alta Street and confined work area on the project site. Possible hazards associated with such construction could include worker injury or death by falls, unstable or falling construction equipment, and ground vibration causing rock or debris to dislodge

and roll down-slope. Equipment and rocks falling from the project site during construction could result in damage to properties below or injury or death of people in the vicinity of the construction operations. This impact analysis assumes that proposed construction activities would implement standard and appropriate safety practices to avoid construction related hazards. (It should be noted that many of the above impacts would occur if slope stabilization were to be undertaken even absent the proposed project.)

Compliance with a strict health and safety plan, developed and implemented for this particular project would reduce the occurrence of construction-related accidents and therefore this impact would be less-than-significant. See Section IV., Mitigations, for the recommended safety practices (agreed to by the project sponsor) to be included in the health and safety plan. See Initial Study for discussion of other construction-related impacts such as for noise, parking, and traffic.

CONCLUSION

The project sponsor has provided the above-referenced geotechnical investigation reports prepared by a California-licensed geotechnical engineer that are on file with the Department of City Planning and available for public review as part of the project file. The geotechnical reports found the site suitable for development providing that the recommendations included in the report were incorporated into the design and construction of the proposed development. The sponsor has agreed to follow the recommendation of the reports in constructing the project.

A critical element to the design of the structure is sufficient slope stabilization and protection from erosion. Slope treatments such as rockbolting, rock netting and surface concrete applications to control infiltration of surface water are included in the project design to control and contain future rockfall events. Compliance with applicable codes and recommendations made in project-specific geotechnical analyses would not eliminate risks (earthquake, rockfall, safety) associated with construction on this site, but would reduce them to an acceptable level.

The final building plans would be reviewed by the Department of Building Inspection (DBI). In reviewing building plans, the DBI refers to a variety of information sources to determine existing hazards and assess requirements for mitigation. Sources reviewed include maps of Seismic Hazard Safety Zones (SHSZ) and known landslide areas in San Francisco as well as the building inspectors' working knowledge of areas of special geologic concern. Additionally, the Building Code contains provisions that require that grading on slopes of greater than 2:1, or where cut sections will exceed 10 vertical feet, must be done in accordance with the recommendations of a soil engineering report prepared by a California-licensed geotechnical engineer prior to construction. Such excavation also requires professional inspection and approval of the grading by a California-licensed civil engineer. The above referenced geotechnical investigations would be available for use by the DBI during its review of building permits for the site. Also, DBI could require that additional site-specific soils report(s) be prepared in conjunction with permit applications, as needed. Therefore, any potentially significant geologic, seismic,

landslide or construction-related hazards associated with structural collapse, slope failure or rockfall would be mitigated during the permit review process through these measures.

New development is generally safer – relatively speaking – than comparable older development due to improvements in foundation design, seismic analysis, building codes and construction techniques. For instance, compared to the perimeter surface foundation supporting the previous structure, the proposed building would be anchored into the array of vertical piers, which would provide greater stability than provided by the prior building's foundation. Therefore, while the proposed project would essentially rebuild on the same site as the McNear apartment building, the project would increase the geologic safety of the site and vicinity, compared to both existing and pre-1992 conditions, owing to the inclusion in the project of substantially more and better slope protection measures.

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F. BIOLOGY

SETTING

INTRODUCTION

A discussion of the potential effects of the project on the biology of the Grace Marchant Garden (Garden) has been included in this EIR for informational purposes only. The Initial Study for this project found that there was no potential for significant impacts on biological resources.

The Garden is located adjacent to, and partially extending into, the project site. It includes maintained landscaping within the Filbert Street right-of-way as well as portions of adjoining private parcels. The Garden has been actively tended for about 50 years and includes approximately 100 species of plants from many of the world's regions and climates (Morse, 1986). It has received acclaim as a prototype for urban beautification and receives extensive visitation, by both local residents and by tourists.

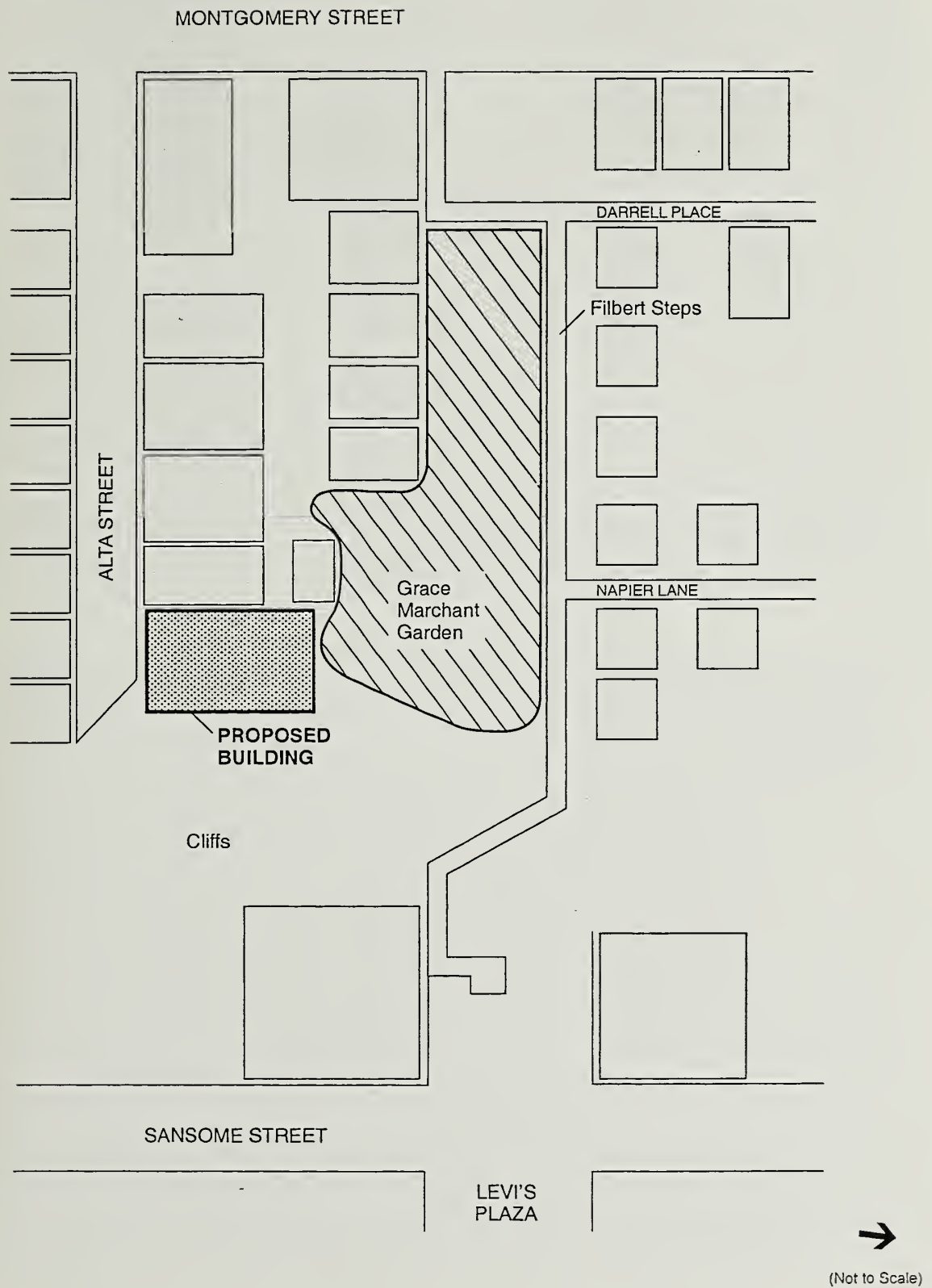
In the broadest terms, the boundaries of the Garden can be defined as Darrell Place to the west, just past Napier Lane to the east, the Filbert Steps to the north, and following an irregular line into the northern portions of properties lining Alta and Filbert Streets (see Figure 38). The Garden can roughly be visually and functionally described as having two primary sections, eastern and western. The most intensively maintained, colorful, and visual center of the Garden is its eastern section immediately south of the Filbert Steps east (and slightly west) of Napier Lane, and continuing onto the hillside on the northern corner of the project site and the northern portions of the two private parcels adjacent to the west.

The western portion of the Garden is the area to the west of the central section, to the east of Darrell Place, between the Filbert Steps and the buildings lining the Filbert Street right-of-way on the south. This portion of the Garden tends to be somewhat more divided into individual plots, have less variety and color in its landscaping, and function more as the yards of the individual buildings than as a coherent, unified garden.

REGION OF THE PROJECT

The project site is located on the eastern slope of Telegraph Hill, on the northeastern tip of the San Francisco peninsula. Telegraph Hill is composed of Franciscan assemblage rock consisting of graywacke, sandstone, and shales of marine origin. Portions of Telegraph Hill have been quarried in the past, resulting in very steep slopes on its eastern and northeastern faces, including immediately adjacent to the project site.

San Francisco has a mild Mediterranean climate characteristic of much of coastal California but with frequent summer ocean fogs. Most precipitation falls as rain in the winter months, while the summer is generally rainless. Although San Francisco historically supported a distinctive assemblage of



SOURCE: McEachron Architects Inc.

22 - 30 Alta Street ■

Figure 38
Grace Marchant Garden
Context and Boundaries

geographically restricted plant and animal species, this portion of the City has been subject to urban development for nearly 150 years. As a result, very little native vegetation and habitat remains on Telegraph Hill.

PROJECT SITE AND ADJACENT AREAS

Uncultivated Portions of the Project Site

The project site borders Alta Street to the south and extends northward and downslope to the Filbert Street right-of-way. The project site was occupied by a residential structure between 1935 and 1992. Remnants of the previous building's concrete foundation remain on the site. Within the old building footprint, most areas are covered with concrete, but cracks in this material support a variety of weedy species, such as Jupiter's beard (*Centranthus ruber*), fennel (*Foeniculum vulgare*), sow thistle (*Sonchus oleraceus*), and thistle (*Cirsium* and *Carduus* spp.) (see Figure 39).

Beyond the foundation of the former building, the property slopes moderately steeply downward to the north and very steeply to the east. To the east of the foundation and elsewhere on the very steep slopes, uncultivated vegetation is present, including plant species that have been and are planted as ornamentals, but which also thrive without cultivation in the local climate. A large dense brush covers much of the northeastern corner of the site. In this uncultivated area, the most common species are weedy ornamentals that are often spread by birds: Algerian ivy (*Hedera canariensis*), blackberry (*Rubus* sp.), and pyracantha (*Pyracantha* sp.). Also present are a variety of less aggressive ornamentals that often persist without maintenance: acanthus (*Acanthus* sp.), rosemary (*Rosmarinus officinalis*), climbing roses (*Rosa* sp.), and matilija poppy (*Romneya coulteri*). During site visits, these species were observed either growing within a dense stand of ivy and blackberry, or in the case of the poppy, growing on the precipice on the east side of the property (see Figure 39).

Grace Marchant Garden

The northwest corner of the project site slopes more gently than elsewhere. This area has been planted and tended, as evidenced by a cleared understory, the presence of maintained ornamental¹ plants, some possessing tags, green plastic tying tape, and green metal plant stakes. This portion of the project site (about 1,000 sq. ft.) is part of the central portion of Grace Marchant Garden. Metal pipes driven into the ground at intervals suggest that retaining walls or walkways may have been present in the past. This maintained area begins near the northeast corner of the adjacent two-story dwelling at 221 Filbert Street, continues northward (and slightly west) to the Filbert Steps and runs eastward to about the site's property line (see Figure 40).

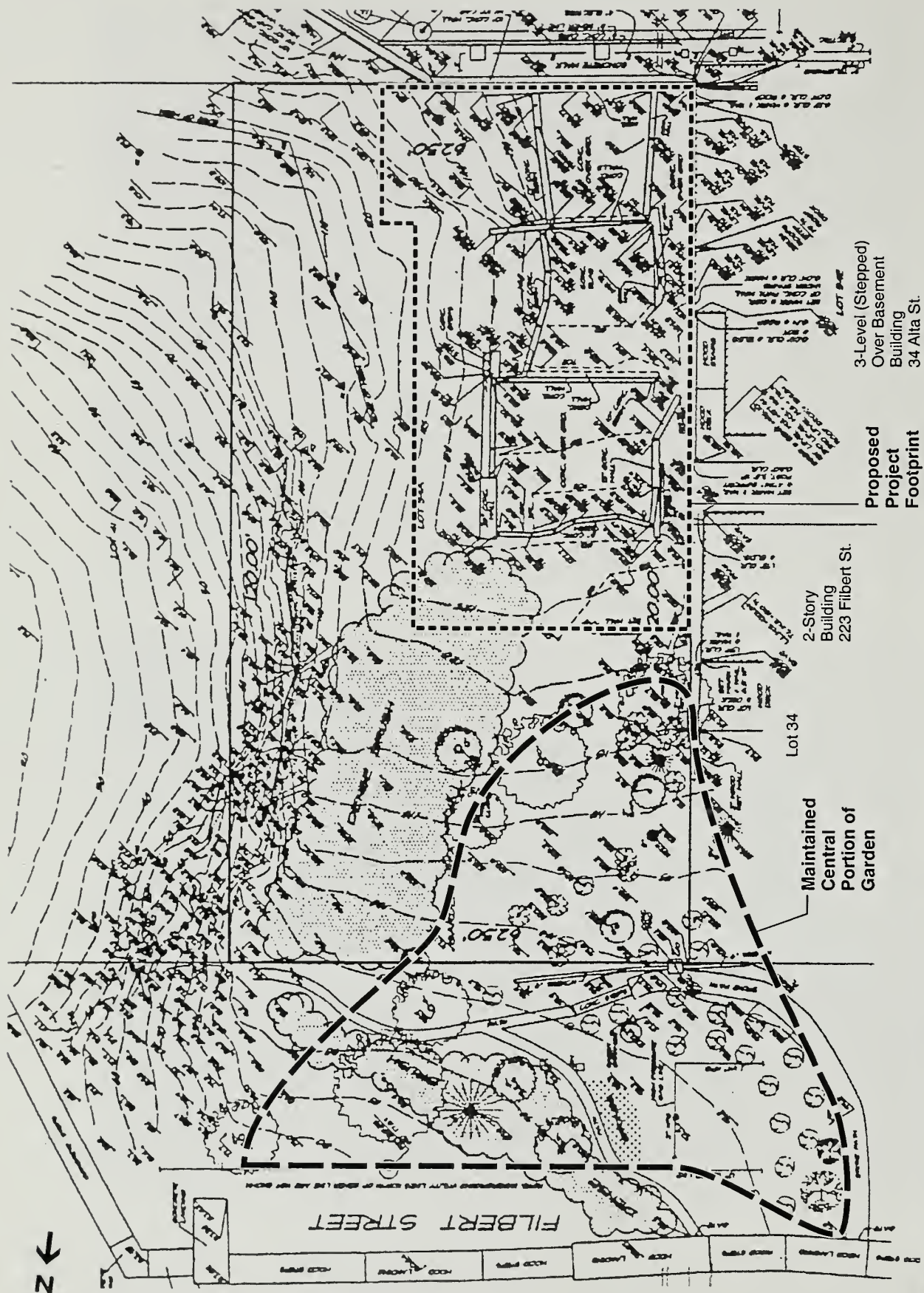
¹ The term "ornamental" means a plant that is planted or grown intentionally for its beauty. In California, many ornamentals are not native (that is, species that grow naturally in the area), but grow naturally elsewhere in North America or on other continents.



SOURCE: Environmental Science Associates

22 - 30 Alta Street ■

Figure 39
Photographs of Uncultivated Portion of Project Site



SOURCE: Martin M. Ron Associates, Environmental Science Associates

22 - 30 Alta Street

Figure 40

Project Site and Maintained Central Portion of
Grace Marchant Garden

The Garden is composed almost exclusively of ornamental plant species (see Figures 41 and 42). Of the very few native species that were observed, they tended to be pioneering, or weedy, species. No habitat was observed for any special-status plant species, and no evidence of any rare, threatened or endangered plant species known to occur in San Francisco appears to exist in the Garden. All of the trees present on the project site are planted ornamental species, such as apple (*Malus* sp.), cherry and plum (*Prunus* spp.), and an ornamental, non-native species of oak (*Quercus* sp.). The trees were observed more or less at the boundary of the maintained area; no trees were found farther south, and few large trees were present in the gardened portion of the project site.

The gardened portion of the project site contains large-flowered members of the mallow family (Malvaceae), several specimens of rose (*Rosa* sp.), ferns, baby's tears (*Soleirolia soleirolii*), Japanese maple (*Acer palmatum*), and a variety of flowering trees, shrubs and herbs. A very large climbing rose marks the boundary of the actively maintained portion of the garden within the project site. In addition to the ornamental species noted above, the Garden contains lilac (*Syringa* sp.), cypress (*Cupressus* sp.) trees, princess flower (*Tibouchina urvilleana*), a member of the banana family (*Musa* sp. or *Strelitzia* sp.), succulents, fuschia (*Fuschia* sp.), tree ferns, and angel's trumpet or golden datura (*Brugmansia* sp. or *Datura* sp.).

The western section of the Garden is composed of hydrangea (*Hydrangea* sp.), pittosporum (*Pittosporum* sp.), duchesnea (*Duchesnea* sp.), ranunculus (*Ranunculus* sp.), tree ferns, jasmine, azalea (*Rhododendron* sp.), lily-of-the-Nile (*Agapanthus* sp.), acanthus (*Acanthus* sp.), holly (*Ilex* sp.), heavenly bamboo (*Nandina domestica*), and camellia (*Camellia* spp.) (See Figure 43). Some of the trees in the upper portion of the Filbert Street right-of-way are old and quite large, and cast a considerable amount of shade; these include elm (*Ulmus* sp.), magnolia (*Magnolia* cf. *grandiflora*), and cottonwood (*Populus* sp.). Roses thrive in the sunnier portions near Darrell Place.

The wildlife observed on the site consisted of common urban species, such as robins (*Turdus migratorius*) and hummingbirds (*Calypte* spp.). There was indirect evidence of other urban-dwelling species such as raccoons (*Procyon lotor*). Other urban-dwelling species would be expected, such as sparrows (*Spizella* spp.), blackbirds (*Euphagus cyanocephalus*) and rock doves (*Columba livia*). No habitat was observed to be present for any of the special-status wildlife known from the region of San Francisco.

IMPACTS

SIGNIFICANCE CRITERIA

A project would have a significant effect on the environment if it would substantially affect a rare or endangered species of animal or plant or the habitat for such species, substantially diminish habitat for fish, wildlife or plants, and/or require the removal of substantial numbers of mature, scenic trees.



SOURCE: Environmental Science Associates

22 - 30 Alta Street ■

Figure 41
Photographs of Maintained Section of
Grace Marchant Garden



SOURCE: Environmental Science Associates

22 - 30 Alta Street ■

Figure 42
Photographs of Maintained Section of
Grace Marchant Garden



22 - 30 Alta Street ■

SOURCE: Environmental Science Associates

Figure 43
Photographs of Western Section of
Grace Marchant Garden

EVALUATION OF IMPACTS

Building Location

Construction of the proposed project would replace the old concrete foundations and extend onto a portion of the weedy, un-maintained area of the project site. The loss of this habitat, currently occupied by weeds and un-maintained ornamental vegetation, would represent a minor and less-than-significant loss of habitat. No special-status plant or animal species or their habitat would be adversely affected. Because the footprint of the proposed building contains no large or scenic trees, no such resources would be affected.

Construction Impacts

During construction, some additional surface disturbance would occur beyond the building footprint, resulting in additional loss of vegetation. The proposed building footprint lies within about 5 feet of the landscaped area on the northwest side of the property, but is about 25 feet away from the landscaped area on the northeastern corner. Depending on the extent of surface disturbance beyond the building footprint, construction could result in the direct loss of a portion of landscaped vegetation that is part of the Garden. In addition, there could be some adverse impacts from debris sliding or rolling downslope into the Garden. This impact would be adverse because of its effect on the Garden, however, because it would be temporary, it would not substantially impact rare and endangered species or habitats, and would not require removal of substantial numbers of large or scenic trees, it would be considered less than significant. See Section IV., Mitigations, for improvement measures recommended to reduce potential construction-related impacts.

Impacts from Increased Shadow

A detailed shadow modeling was conducted for the proposed project and is presented in Section III.D, Shadows. The modeling shows for multiple times of the day throughout the year the current pattern of shadow, the extent of shadow when the former building was located on the project site, and the extent of shadow for the proposed building. In summary, shadows from the proposed building would be cast generally northward, adding to the shading of the proposed project site, which already receives shade because of its north- and east-facing slopes. The proposed building would create an additional 2 hours of shadow for approximately six weeks in both the spring and fall, when compared to existing vacant conditions. In the winter months, shadows from existing buildings and the hillside itself already cast most of the project site in shade in late afternoon and for much of the winter months. During the summer months, the shadow cast by the proposed building could cast shade directly north, but primarily within the property line.

Vegetation responds to both the intensity and duration of shade. According to *Hortus Third*, the encyclopedia of ornamental plants, shade in outdoor gardens ranges from open shade with unobstructed overhead sky found on the north side of buildings or tall trees to the partial or rather complete shade

found under trees. Deep shade provided by a dense overhead tree canopy can reduce light to one-tenth of full sunlight, where, by contrast, open shade admits diffused and reflected light to reach the ground. Partial shade may vary greatly depending upon the character of the tree and its canopy. Plants suited for growth in shaded gardens have shade tolerances ranging from very deep shade (very few species) to light shade (many species). Plants for shady sites vary widely in form and habit, and include herbs and woody plants, annuals and perennials, evergreens and deciduous plants, vines, bulbs, and ground covers.

The impact of the increased shading to the Garden would be to favor a palette of slightly more shade-tolerant species, especially in the area nearest the proposed building. Most of the planted species currently in the Garden are already somewhat tolerant of shade, since the exposure and existing buildings already cast shade into the Gardens. In addition, the plantings put in place prior to 1992 were established when the shade regime included the former building, which cast about three-fourths as much shade as the proposed structure. Therefore, most of the plantings currently in the Garden, especially the older ones, are expected to continue to thrive.

Some species, such as roses, benefit from direct sun for a portion of the day during the growing season. This may be partly due to a need for additional warmth, since some plants grow and flower more vigorously in warmer situations. Since the portion of the Garden with rose plantings (primarily in the northern portion of the project property and the adjacent area of the Filbert Street right-of-way) would receive less direct sun as a result of the project, there would likely be detectable adverse effects on these plantings. For example, the roses may become more leggy (taller and less compact), may flower less, or may flower slightly later. However, most of the plantings in the intensively gardened portion of the Garden are expected to continue to grow and flower, as they did when the previous building was in place and light conditions were similar to those projected with the new building in place. The intensively gardened portion of the Garden would continue to provide suitable habitat for a greater variety of open shade-loving plants than would the less intensively-gardened portion.

As the Garden became established in the 1940s and later, plantings were added gradually, until the Garden contained a diverse array of plant species. Plantings have continued to be added in response to natural events such as the unusual freezing weather that hit San Francisco in 1990 and 1991. Such a pattern of replacing garden plantings as they become older and less vigorous is typical. In addition, the types of plants that would potentially be adversely effected would be non-native, ornamental species that were selected based on subjective taste and appreciation for their beauty. If some of these species were to be affected, many alternative shade-tolerant species would similarly be available for their replacement. The proposed project would not therefore represent a substantial diminishing of a plant habitat according to CEQA standards. Further, such potential adverse effects would not preclude the ongoing use of the space as an attractive public garden, as it had been previous to 1992 and has continued to since.

REFERENCES

Morse, Rob, "Adopt A Garden," *San Francisco Chronicle*, February 16, 1986.

G. GROWTH INDUCEMENT

As described in Chapter II, Project Description, the proposed project is intended to replace the prior, demolished building on the project site. This unique circumstance, combined with the lack of buildable sites in the vicinity, would substantially avoid any potential for the proposed project to contribute to further development in the area. With three residential units in a developed urban center, the project could be not expected to induce further growth in the neighborhood or the City.

CHAPTER IV

MITIGATION MEASURES IDENTIFIED IN THIS REPORT TO MINIMIZE POTENTIAL ADVERSE IMPACTS OF THE PROJECT

In the course of project planning and design, measures have been identified that would reduce or eliminate potential environmental impacts of the proposed project. Some of these measures have been, or would be, voluntarily adopted by the project sponsor or project architect and contractor and thus are proposed; some are under consideration and some have been considered and rejected by the project sponsor. Implementation of some may be the responsibility of other agencies. Measures under consideration or rejected may be required by the City Planning Commission as conditions of project approval, if the project were to be approved. Each mitigation measure and its status is discussed below.

There are two items required by law that would serve to mitigate impacts. These measures include no use of mirrored glass on the building to reduce glare, as per City Planning Commission Resolution 9212, and the limitation of construction-related noise levels, pursuant to the San Francisco Noise Ordinance (Article 29 of the San Francisco Police Code, 1972).

Measures which are not required by legislation but which would also serve to mitigate environmental impacts appear below. Mitigation measures preceded by an asterisk (*) are from the Initial Study (see Appendix A).

AIR QUALITY

As described in the attached Initial Study (Appendix A), the proposed project has the potential to temporarily affect local air quality as a result of construction activities. As a result, the project sponsor has agreed to implement the following mitigation measure:

- *• The project sponsor would require the contractor(s) to sprinkle exterior demolition sites with water during demolition, excavation and construction activity; sprinkle unpaved exterior construction areas with water at least twice per day; cover stockpiles of soil, sand, and other material; cover trucks hauling debris, soil, sand or other such material; and sweep surrounding streets during demolition and construction at least once per day to reduce particulate emissions unless the on-site engineer determines there is a conflicting reason to not do so. Ordinance 175-91, passed by the Board of Supervisors on May 6, 1991, requires that non-potable water be used for dust control activities. Therefore, the project sponsor would require that the contractor(s) obtain reclaimed water from the Clean Water Program for this purpose.

IMPROVEMENT MEASURES

Although not required to mitigate significant impacts, the following improvement measures would reduce less-than-significant impacts related to the geological and seismic and biology issues resulting from the construction of the proposed project.

GEOLOGY AND SEISMICITY

As noted in Section III.E, Geology and Seismicity, potentially significant geological/seismic hazards of the project would be mitigated by the building permit review process. To reduce less-than-significant impacts, the following improvement measures are recommended:

- The recommendations in the geotechnical reports conducted by Rogers/Pacific in 1996 and Cotton, Shires Associates in 1998 shall be implemented.
- In order to ensure that no construction-related accidents that would harm or damage workers, the public, or nearby buildings during the course of construction of the proposed project, the project sponsor has agreed to develop and implement a health and safety plan that includes the following elements as a mitigation measure:
 - Operation of heavy construction equipment only on the relatively flat portion at the upper portions of the project site;
 - Full-time safety harnesses for onsite workers as protection from falls;
 - Stabilization and anchoring of construction equipment to avoid machinery being dislodged and toppling off the slope face;
 - Netting installed below the construction activities to intercept and retain rocks and debris dislodged during construction activities;
 - Buffer areas maintained surrounding construction operations to restrict public access to potentially hazardous conditions;
 - Removal or securing heavy construction equipment during periods of inclement weather, at night and on weekends;
 - Monitoring of adjacent properties for damage caused by vibration and other potential hazards; and
 - Installation of fencing at the base of the cliff to the east of the project site as an additional mechanism to capture talus that may fall down the cliff.

BIOLOGY

- The intensively gardened portion of the Garden could be affected by construction activities. To minimize such impacts, the maximum allowable zone of impact should be bound with temporary

construction fencing and a silt fence to prevent debris from rolling downslope and damaging components of the Garden.

- For established, maintained plants damaged or killed during construction, replacement plants should be planted by the project sponsor.

CHAPTER V

SIGNIFICANT EFFECTS THAT CANNOT BE AVOIDED IF THE PROPOSED PROJECT IS IMPLEMENTED

In accordance with Section 21100(b)(2)(A) of the California Environmental Quality Act (CEQA), and with Section 15126(b) of the State CEQA Guidelines, the purpose of this chapter is to identify impacts that could not be eliminated or reduced to an insignificant level by mitigation measures included as part of the project, or by other mitigation measures that could be implemented, as described in Chapter V, Mitigation Measures.

As analyzed in the Setting and Impacts section (Chapter 3), this EIR does not identify any significant impacts related to the proposed project. This chapter is subject to final determination by the City Planning Commission as part of its certification process for the EIR. The Final EIR will be revised, if necessary, to reflect the findings of the Commission.

CHAPTER VI

ALTERNATIVES TO THE PROPOSED PROJECT

This chapter identifies alternatives to the proposed project, discusses environmental impacts associated with each alternative, and, where an alternative has been considered by the project sponsor in development of the project, gives the reasons the alternative was rejected in favor of the project. Project decision-makers could adopt any of the following alternatives, if feasible, instead of approving the proposed project.

A. ALTERNATIVE A: NO PROJECT

Under No Project conditions, the site would remain in its existing, vacant condition. No new development would take place on the site. None of the potential impacts related to the proposed project would occur. This alternative would not preclude the future development of this site by the same or a different project sponsor with a different development proposal at some unknown point in the future.

If the project remained in its existing vacant condition, the slope protection systems currently in place, such as the gunite slope treatment, rockbolts and rocknetting, would not be improved or removed. As a result, it is likely that surface water would continue to infiltrate into the upper shale unit and result in continued slope degradation. If the upper slope materials were to erode, they could become dislodged and fall off the steeper portions of the cliff. Over time, degradation and raveling could eventually cause the existing concrete foundation remains to also become unstable. Additionally, erosion of the slope could eventually cause the existing rockbolts to become undermined and break away from the slope. This alternative would not include any of the beneficial slope stabilization measures proposed as part of the project.

Under this alternative, seismic shaking during an earthquake could initiate rockfalls from the upper portions of the slope. Without appropriate rockfall netting at the base of the slope, talus would continue to accumulate below the slope adjacent to 201 Filbert Street and possibly impact the Grace Marchant Garden. Eventually, the existing rock netting, if not maintained, could become undermined and be dislodged from the slope. This alternative has been rejected because it would not meet any of the project sponsor's objectives.

B. ALTERNATIVE B: REPLACEMENT ALTERNATIVE

This alternative would involve the construction of a new structure on the site that would generally be a replica of the former Fred McNear, Jr. Apartment Building that occupied the site from 1935 to 1992, except that this alternative, like the project, would include three residential units, rather than five units as existed in the prior building. Construction of this replacement structure would not create any new

shadow effects or impacts to the Telegraph Hill Historic District when compared to the site's pre-1992 conditions. Construction of a structure under this alternative's conditions would create new shadow impacts on surrounding properties and the Grace Marchant Garden when compared to existing conditions, as noted on the shadow diagrams presented in this EIR (Figures 20-35).

Like the former McNear building, the structure to be built under this alternative would not include parking, and therefore this alternative would require a parking variance. The lack of on-site parking would incrementally affect the already congested parking and traffic conditions in the vicinity, but not to a degree that would be considered significant, because three residential units would generate limited traffic and parking demand.

Under this alternative, geological impacts on the project site would be similar to those identified for the proposed project. Although the proposed project would result in the construction of a larger structure than under the Replacement Alternative, the potential for rockfalls during construction and the reduction in subsequent seismic hazards on the site would be similar for both structures. Construction under this alternative would comply with more stringent Building Code requirements and thus the building would be a relatively safer structure than the previous apartment structure. With current Building Code requirements (as modified for San Francisco) coupled with advancements in rock slope protection and pier-foundation design and construction, the building constructed under this alternative would be less prone to hazards related to seismic shaking, slope erosion and rockfalls, compared to the McNear building.

Although there are no significant impacts associated with the proposed project, this alternative would be considered the environmentally superior alternative because it would not introduce any new shadow impacts to the site, surrounding neighborhood, or Telegraph Hill Historic District when compared to the Fred McNear, Jr. Apartment Building that occupied the site from 1935 to 1992. Further, if an exact replica of the previous structure on the site were to be built, it would appear to be approveable under the provisions of Article 10, for its visual contribution to the District would be identical to what had been located on the site from 1935 to 1992, a structure that was designated as "Contributory" to the District. The District has continued to exist as a cultural resource in spite of the loss of the prior building at 22-30 Alta Street, so it is unlikely that the District would lose its eligibility as an historic resource based upon the design of the replacement structure. The District would remain potentially eligible, at least in part, to be included in the California Register of Historic Resources, as well as the National Register of Historic Places.

The project sponsor has rejected this alternative as infeasible in that it would not meet two of the primary objectives, to provide economically viable home-ownership opportunities and to provide on-site parking. The sponsor does not believe that the selling price for residential condominiums that would average about 1,100 square feet and would not provide parking could generate enough revenue to fund adequate slope stabilization measures for the site. Therefore, according to the project sponsor, approval of this alternative would result in no construction by this sponsor on the project site.

C. ALTERNATIVE C: SINGLE-FAMILY DWELLING

DESCRIPTION

Alternative C would consist of one single-family dwelling, rather than three condominium units as with the proposed project. Under Alternative C, the building would be five stories tall. Two stories would be at or above the Alta Street grade and three would be below the Alta Street grade. The Alternative C building would be about 23 feet tall according to the Planning Code (about 23 feet above the Alta Street grade), compared to 32 feet for the proposed project and 16 feet for the Fred McNear, Jr. Apartment Building that occupied the site from 1935 to 1992. From the grade at its rear elevation, Alternative C would have a height of about 64 feet, compared to about 73 feet for the proposed project and about 57 feet for the McNear building. Alternative C would be about 48 feet wide along the front (Alta Street) facade, or about three feet wider than the proposed project and about four feet wider than the McNear building. The Alternative C building would extend for a depth of 62 feet into the lot, towards Filbert Street, six feet less than the proposed project and the same depth as the McNear building. Alternative C would have a garage at the Alta Street level, as would the proposed project; the McNear building had no on-site parking. Table 2 compares the proposed project, Alternative C, and the original McNear building. (Because Alternative B would essentially replace the McNear building – except with three residential units compared to the original building’s five units – Alternative B is not included in Table 2.)

In design, Alternative C would be very similar to the project, in that it would feature Moderne influences such as balconies and a cement plaster exterior. The house proposed for Alternative C would step down the hillside, from Alta Street to the north, as would the proposed project. (In all of these respects, Alternative C would also be similar to the former McNear building.)

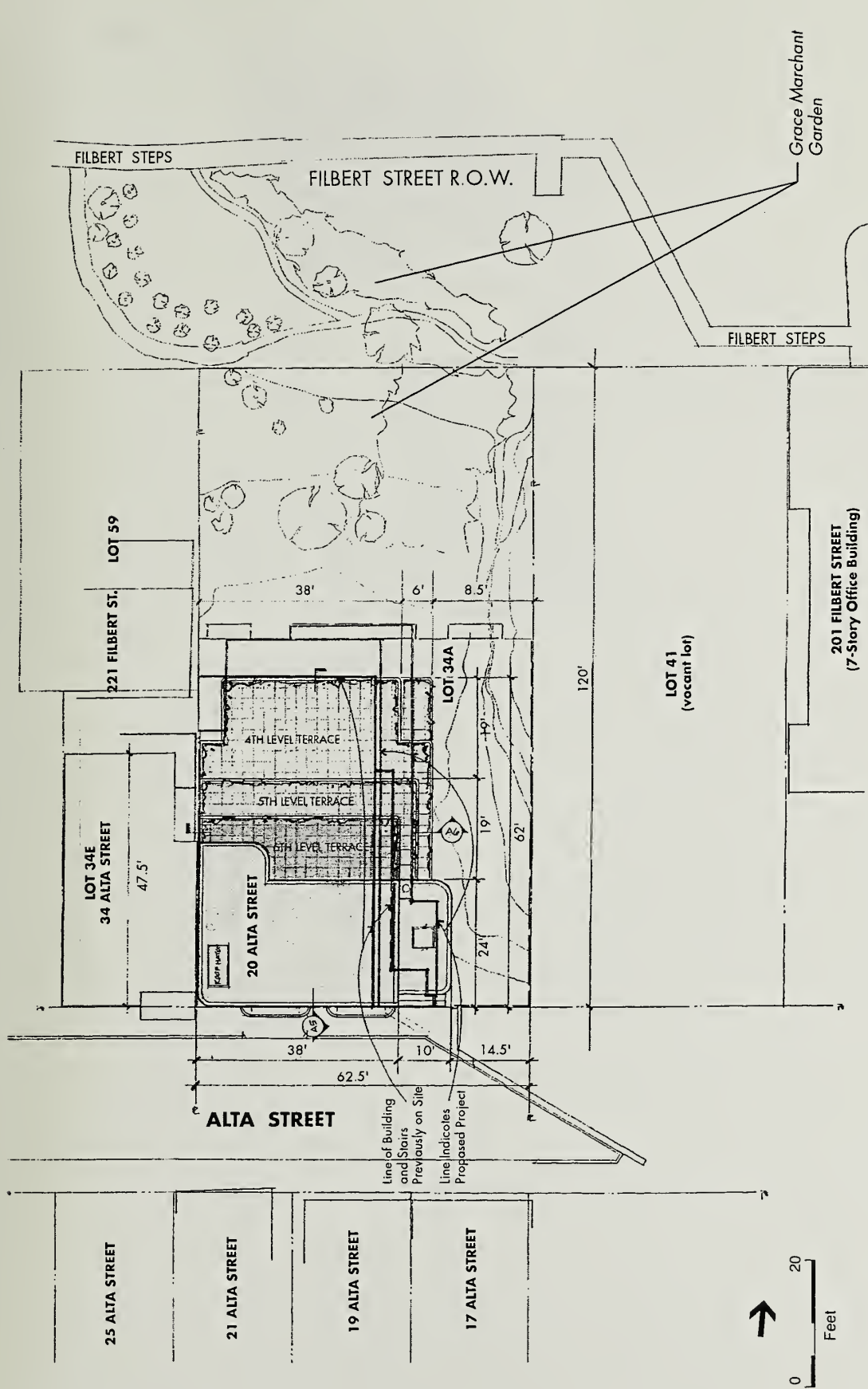
Alternative C would have approximately 5,300 square feet of living area (excluding garage and common space) and about 6,200 square feet of occupied floor area (osf), compared to about 5,900 square feet (6,900 osf) for the proposed project and about 2,950 square feet (3,300 osf) for the McNear building.

Figures 44 through 48 depict a site plan and elevations of Alternative C; they are comparable to Figures 2 through 6, pp. II-4 through II-8, in Chapter II, Project Description. Figure 49 presents a comparison of the profiles of Alternative C, the proposed project, and the prior (McNear) building.

IMPACTS

LAND USE

Like the proposed project and Alternative B, Alternative C would result in residential construction on the project site (as was the case with the McNear building). Unlike Alternative B and the McNear building, however, this alternative would include on-site parking, in a two-car garage on Alta Street (as would the proposed project, which would have five parking spaces for three units). Like the proposed project, Alternative C would be compatible with existing nearby uses, and would not result in a significant effect

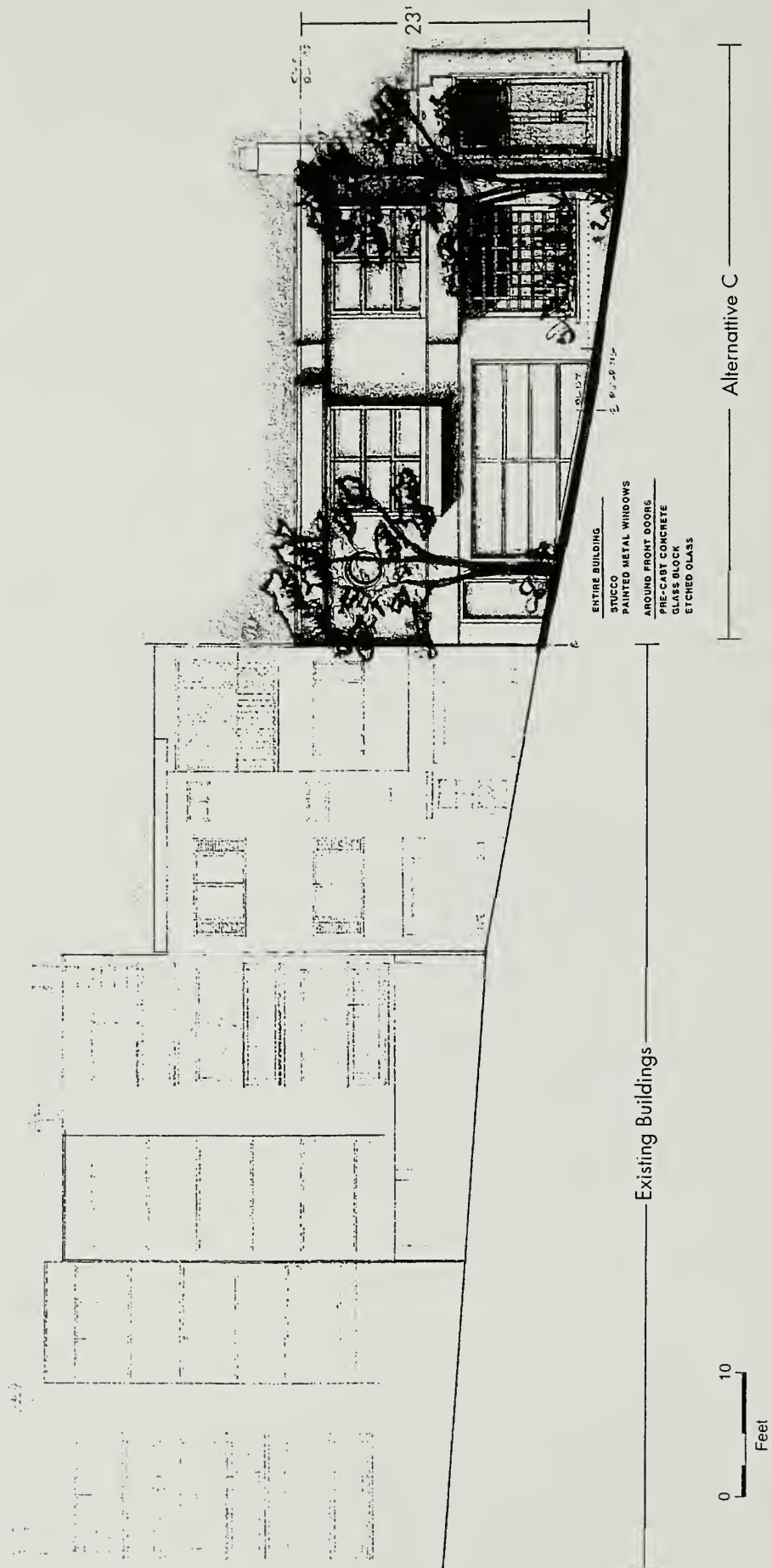


22-30 Alta Street

Figure 44

Alternative C: Site/Roof Plan

SOURCE: McEachron Architects Inc.

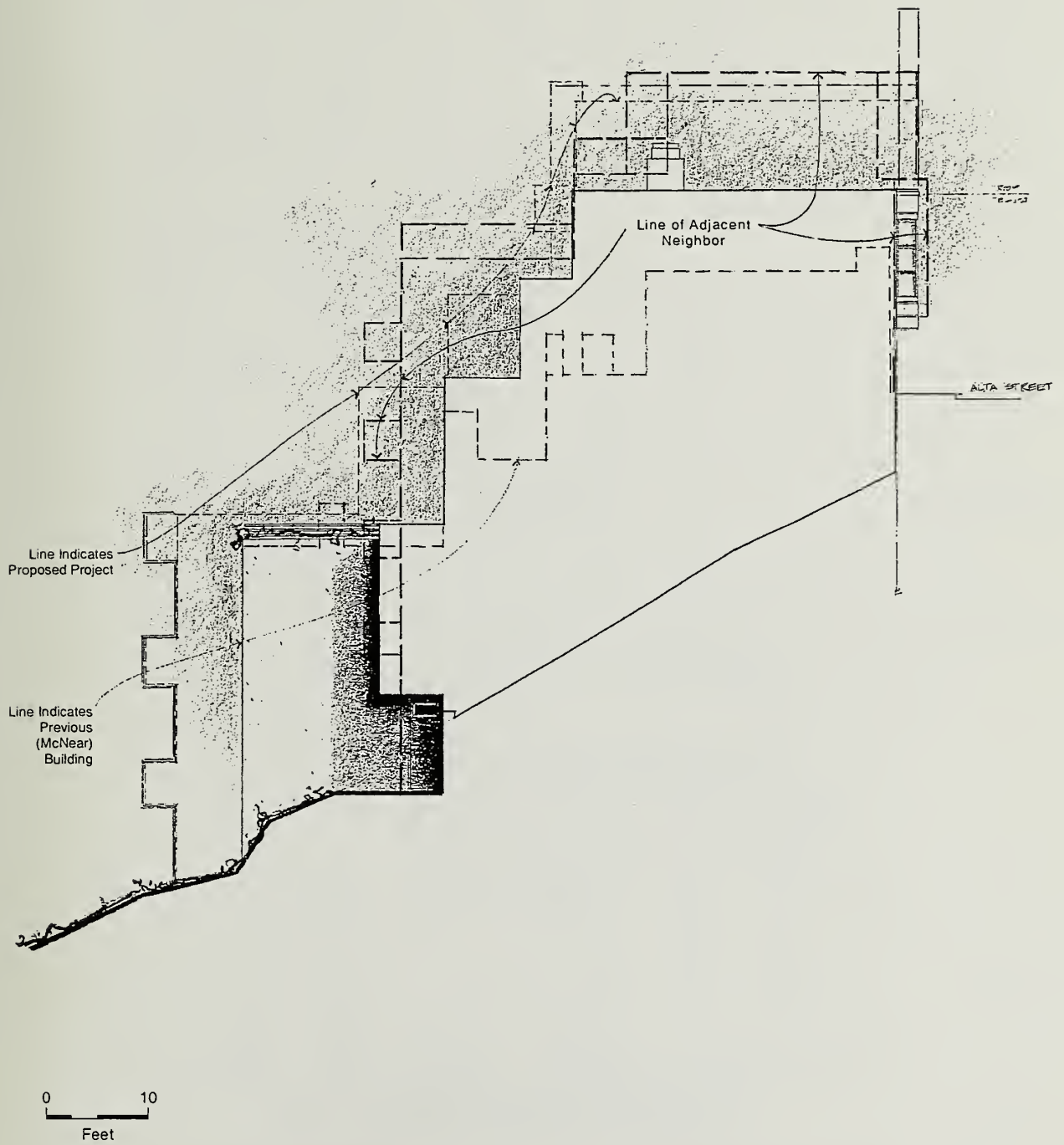


SOURCE: McEachron Architects Inc.

22 - 30 Alta Street

Figure 45

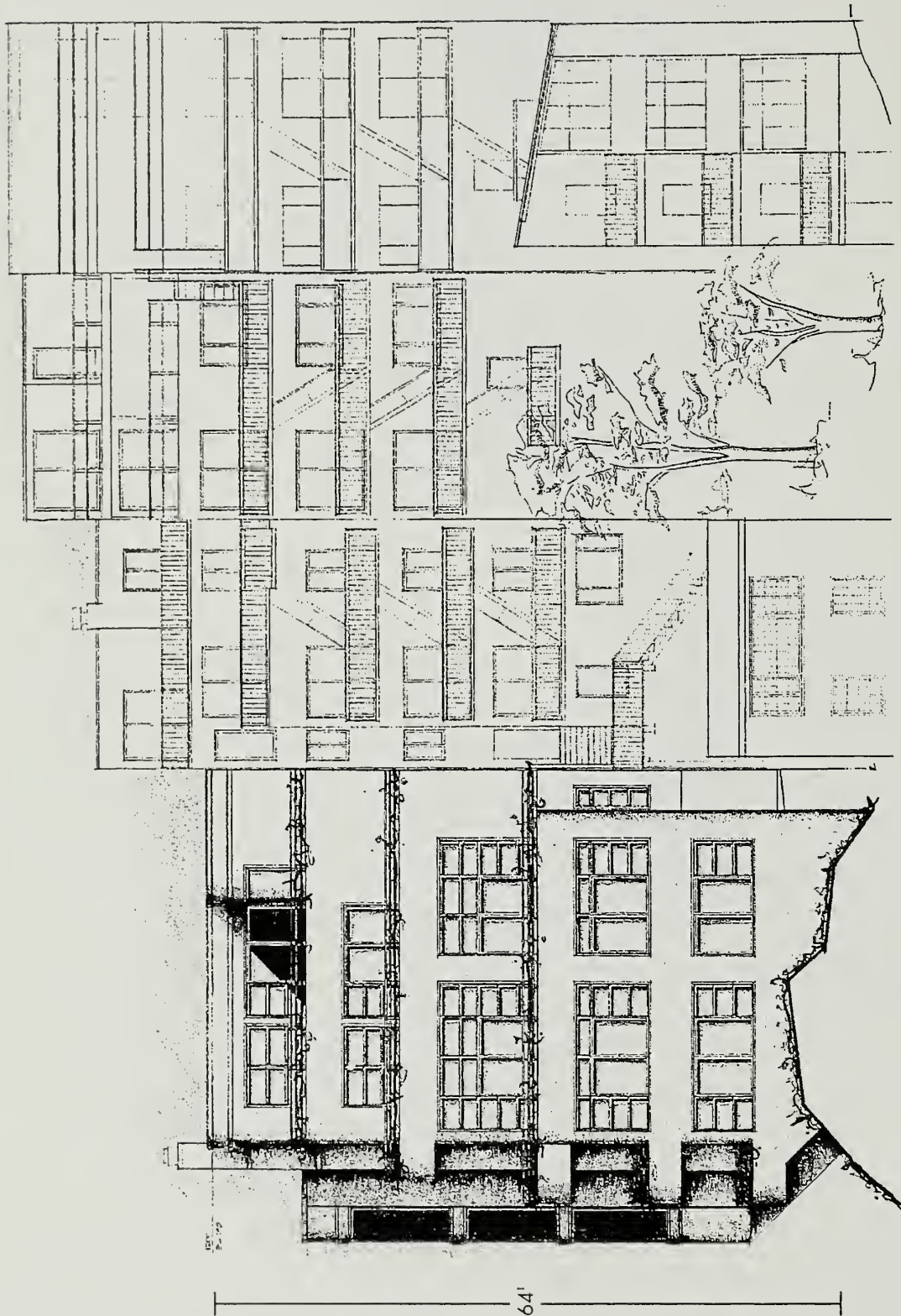
Alternative C: South Elevation



SOURCE: McEachron Architects Inc.

22 - 30 Alta Street ■

Figure 46
Alternative C: West Elevation

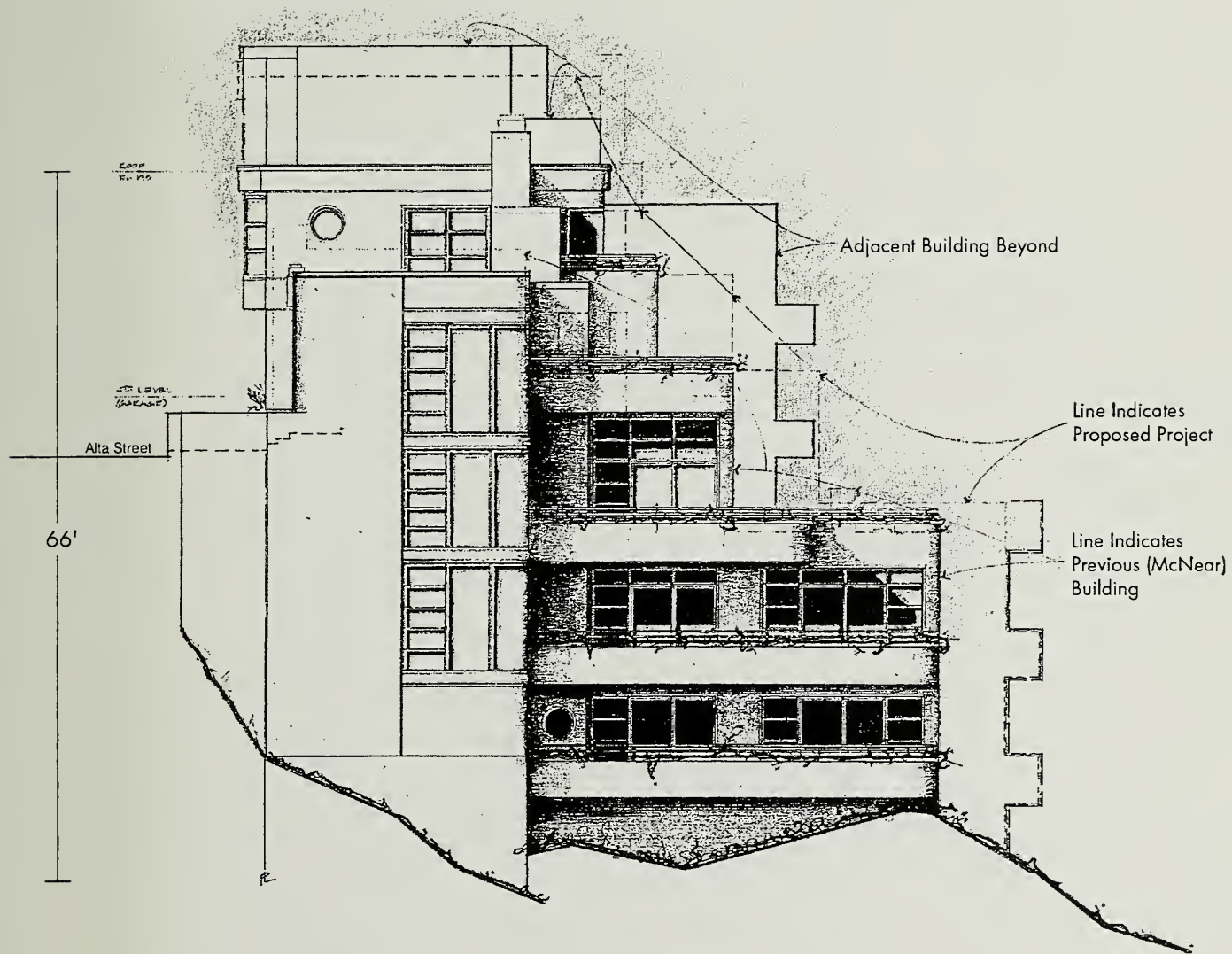


22 - 30 Alta Street ■

Figure 47

Alternative C: North Elevation

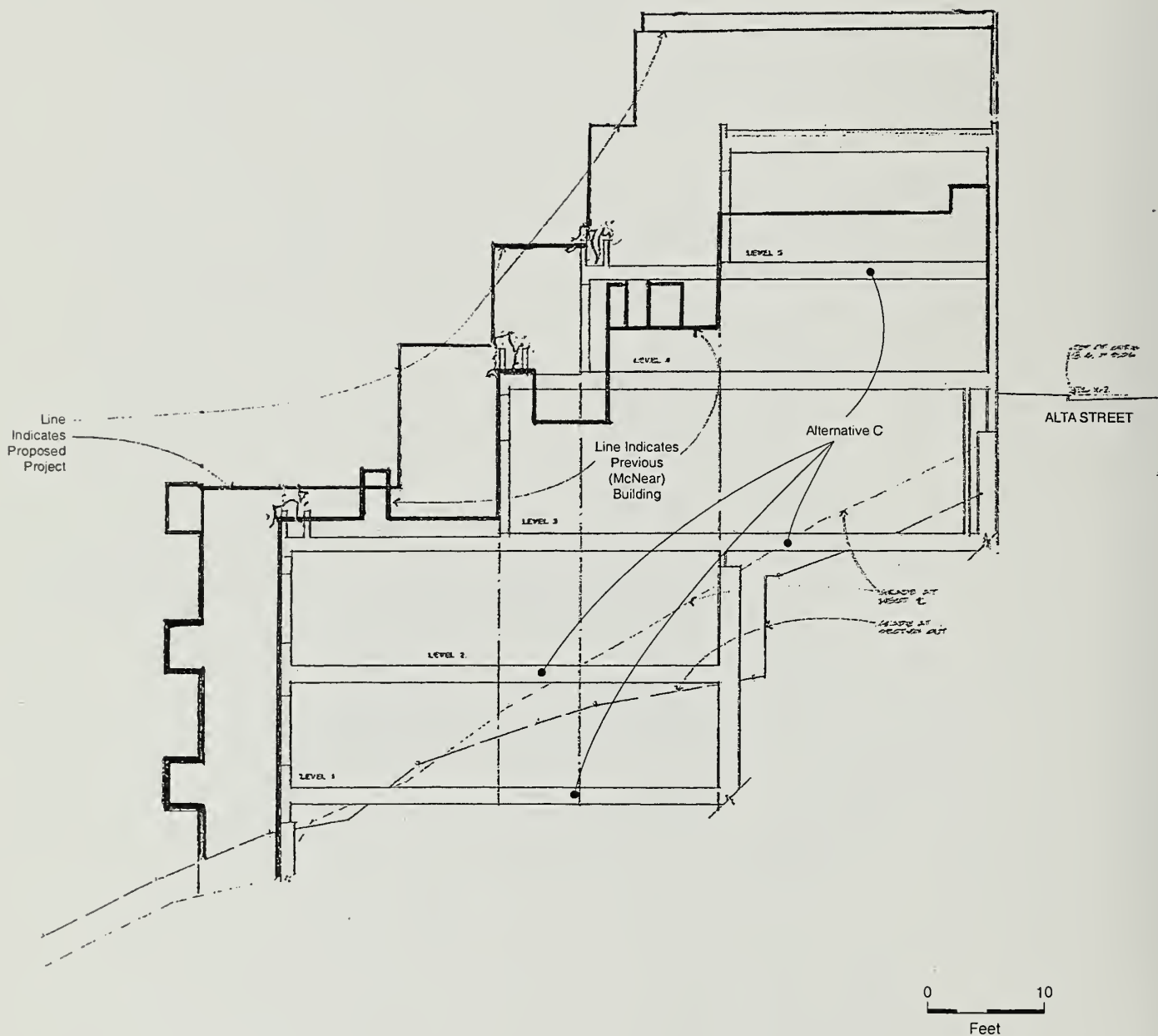
SOURCE: McLachron Architects Inc.



SOURCE: McEachron Architects Inc.

22 - 30 Alta Street ■

Figure 48
Alternative C: East Elevation



SOURCE: McEachron Architects Inc.

22 - 30 Alta Street ■

Figure 49
Comparison of Alternative C to
Proposed Project and McNear Building

TABLE 2
COMPARISON OF PROJECT ALTERNATIVES

PARAMETER	FRED MCNEAR JR. BUILDING	PROPOSED PROJECT	ALTERNATIVE C
Residential units	5	3	1
Height above Alta Street, in feet (Planning Code Height)	16	32	23
Height at Rear (north) of Building, in feet ¹	57	73	64
Width along Alta Street, in feet ²	44	45	48
Depth from Alta Street, in feet ³	62	68	62
Stories	5	6	5
Stories at or above Alta Street	1½	3	2
On-Site Parking	None	5 spaces	2 spaces

¹ Height of former McNear building estimated by review of plans (front elevation) and by comparison of ground elevations at front and rear of building (rear elevation), from a survey of the project site prepared by Martin M. Ron Associates, January 22, 1996, as revised.

² Width of former McNear building along Alta Street includes entry way to staircase along east side of building.

³ Excluding 3-foot cantilevered decks in Proposed Project design only.

related to land use. Unlike the proposed project and the other alternatives, Alternative C would construct a single-family dwelling, as opposed to a multi-family residential building. Because the project area includes both houses and apartments/condominiums, construction of a single-family dwelling would not result in any land use incompatibility.

HISTORIC ARCHITECTURAL RESOURCES

As with the proposed project, Alternative C would not impair the historical significance of the Telegraph Hill Historic District, and therefore would not result in a significant effect with regard to historic architectural resources. Like the proposed project, Alternative C would not strictly adhere to the style guidelines for the district contained in Appendix G of Planning Code Article 10. However, both the Case Report for the Telegraph Hill Historic District and the Planning Code identify the Modern period as part of the district's period of significance; include Modern buildings as contributory elements to the district; and encourage "construction in a contemporary idiom." Thus, although the Code's specific style guidelines do not reinforce Modern elements, Alternative C (like the proposed project) would conform with the general standards regarding contemporary buildings of the Telegraph Hill Historic District as described because of its Moderne detailing and terraced design.

VISUAL QUALITY

As with the proposed project, Alternative C would result in a visual change on the project site. The structure under this alternative would have five stories (two at or above grade) – one less in each instance than the proposed project and comparable to the former McNear building (which had 1½ stories at or above grade, but had no garage). Alternative C would be primarily Moderne in style, like the proposed project and the McNear building. This alternative would not be of a style similar to that of most of the buildings immediately surrounding the project site, although it would share design characteristics with other Modern buildings in the neighborhood. The Alternative C building would generally be visible from the same locations as would the proposed project. In general, therefore, visual effects would be similar than those of the proposed project, although this alternative could be perceived by some observers as somewhat less visually intrusive, owing to its reduced height, compared to the proposed project. Visual effects, therefore, would be less than significant, as with the proposed project.

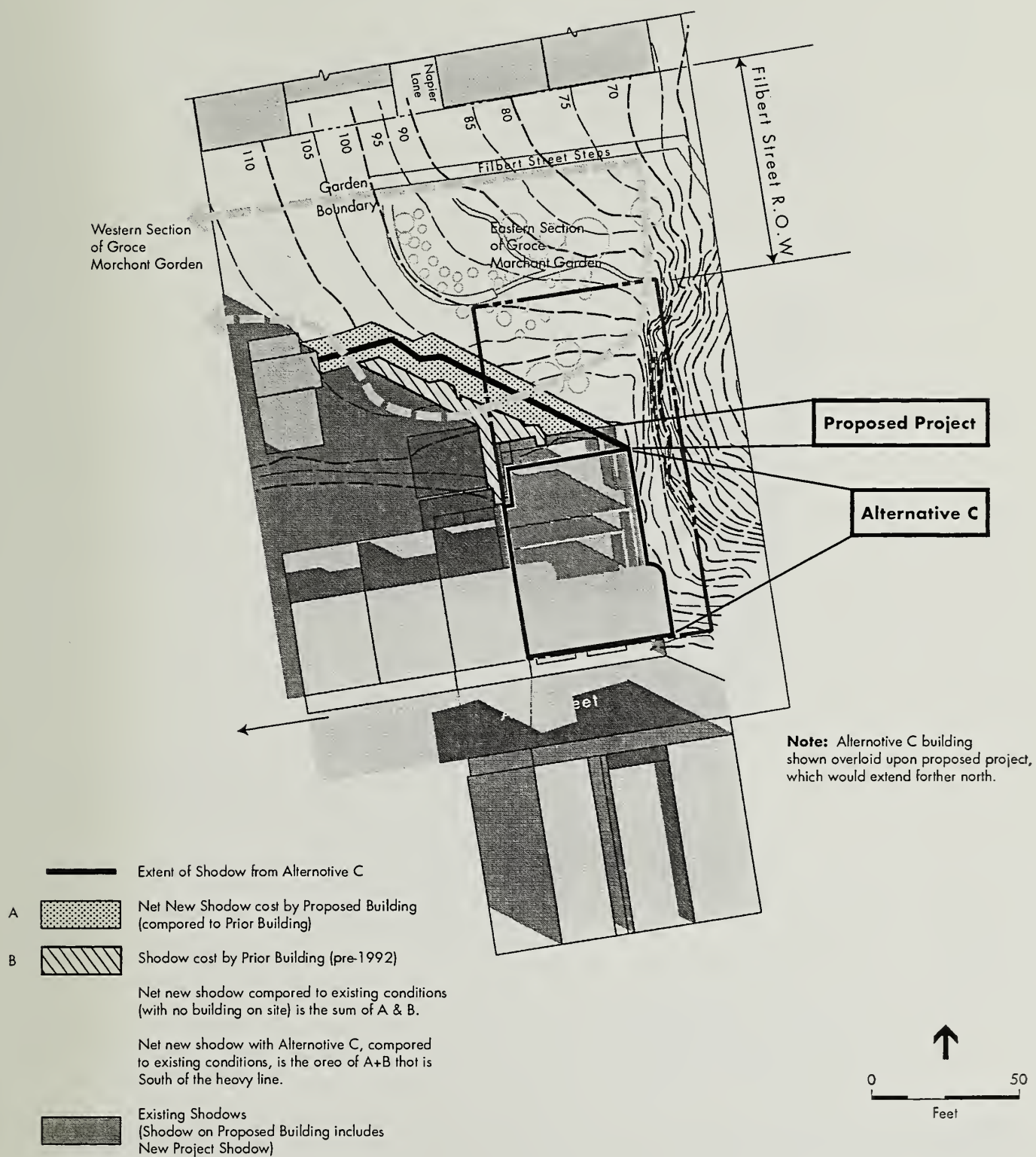
SHADOW

Because it would be about nine feet shorter than the proposed project and about seven feet taller than the McNear building, Alternative C would generally cast less shadow on the slope below (to the north), including the Grace Marchant Garden, than would the proposed project, and more shadow than did the McNear building. Because Alternative C would extend three to four feet farther east, along Alta Street, than either the proposed project or the McNear building, Alternative C would cast incrementally greater shadow to the east than either of the other two buildings. However, except during morning periods when the sun is lowest in the sky (early in the morning in late fall and early winter), this effect would be limited to shading on the very top of the cliff that overlooks Sansome Street; in general, this shadow would not affect usable open space.

A shadow analysis was performed for Alternative C, and is summarized here.¹ Shadow effects of Alternative C on the Grace Marchant Garden would be different than those of the proposed project and the McNear building only in the morning hours. In the afternoon, the sun angle is such that shadow from a building on the project site falls only on the site itself and is relatively short, as in the early afternoon, or falls on the cliff to the east, as in the later afternoon; see Figures 23, 27, 31, and 35, pp. III.D-7, III.D-11, III.D-15, and III.D-19. Figures 50 through 54 compare shadow effects of Alternative C with those of the proposed project and of the former McNear building for the hours of 9:00 a.m., 10:00 a.m., and 12:00 noon on March 21, and the hours of 9:00 a.m. and 10:00 a.m. on December 21. Note that September shadows are similar to those in March, except that the time in September is one hour later because of daylight savings time.

In March at both 9:00 a.m. and 10:00 a.m., shadow from Alternative C would be less than with the proposed project and more than with the McNear building. At noon in March, this same comparison

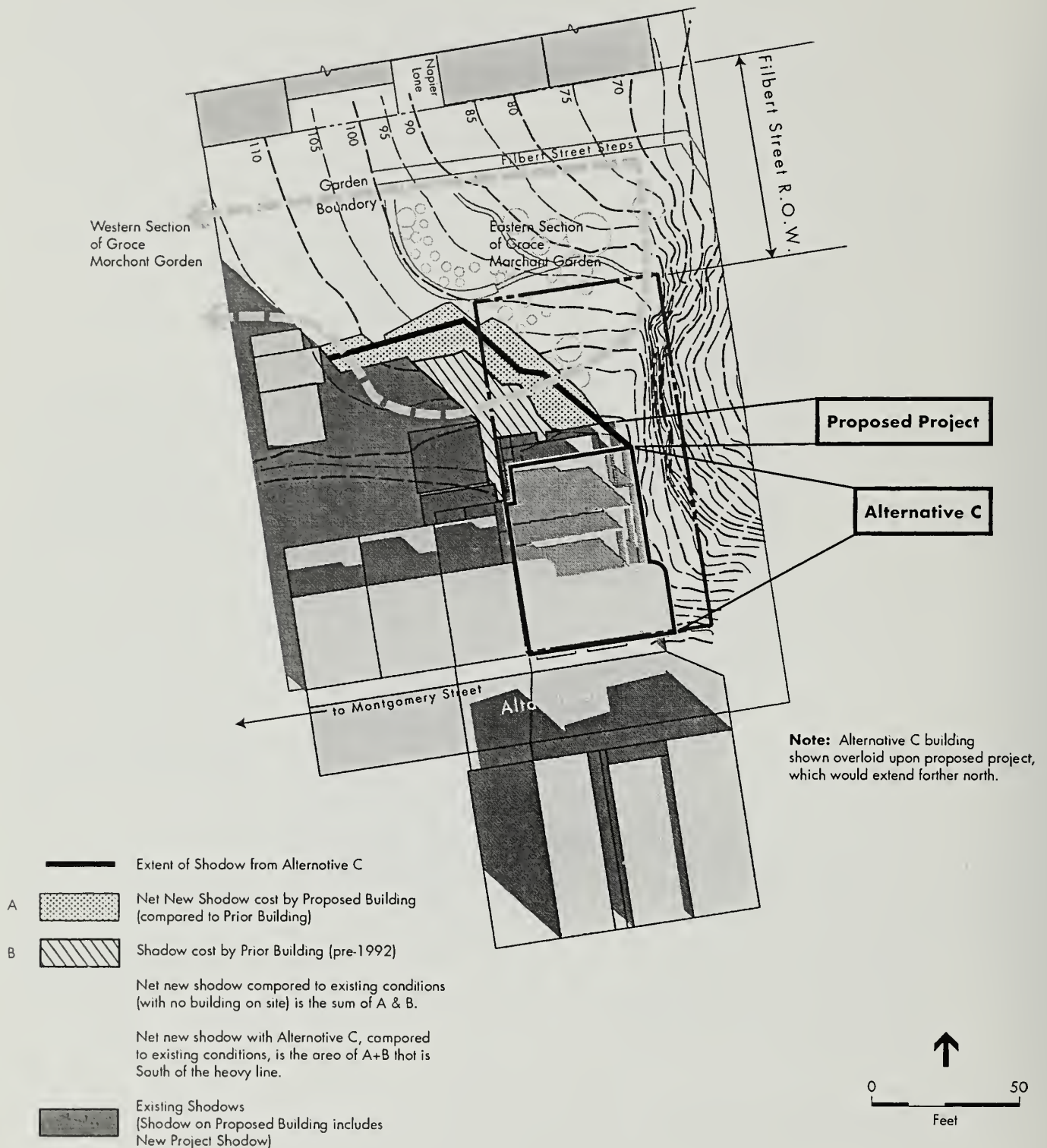
¹ Environmental Science Associates, memorandum to Michael Kometani and Rick Cooper, San Francisco Planning Department, April 29, 2000. This memorandum is available for review at the Planning Department, 1660 Mission Street, in Case File No. 97.433E.



SOURCE: Environmental Science Associates

22-30 Alta Street ■

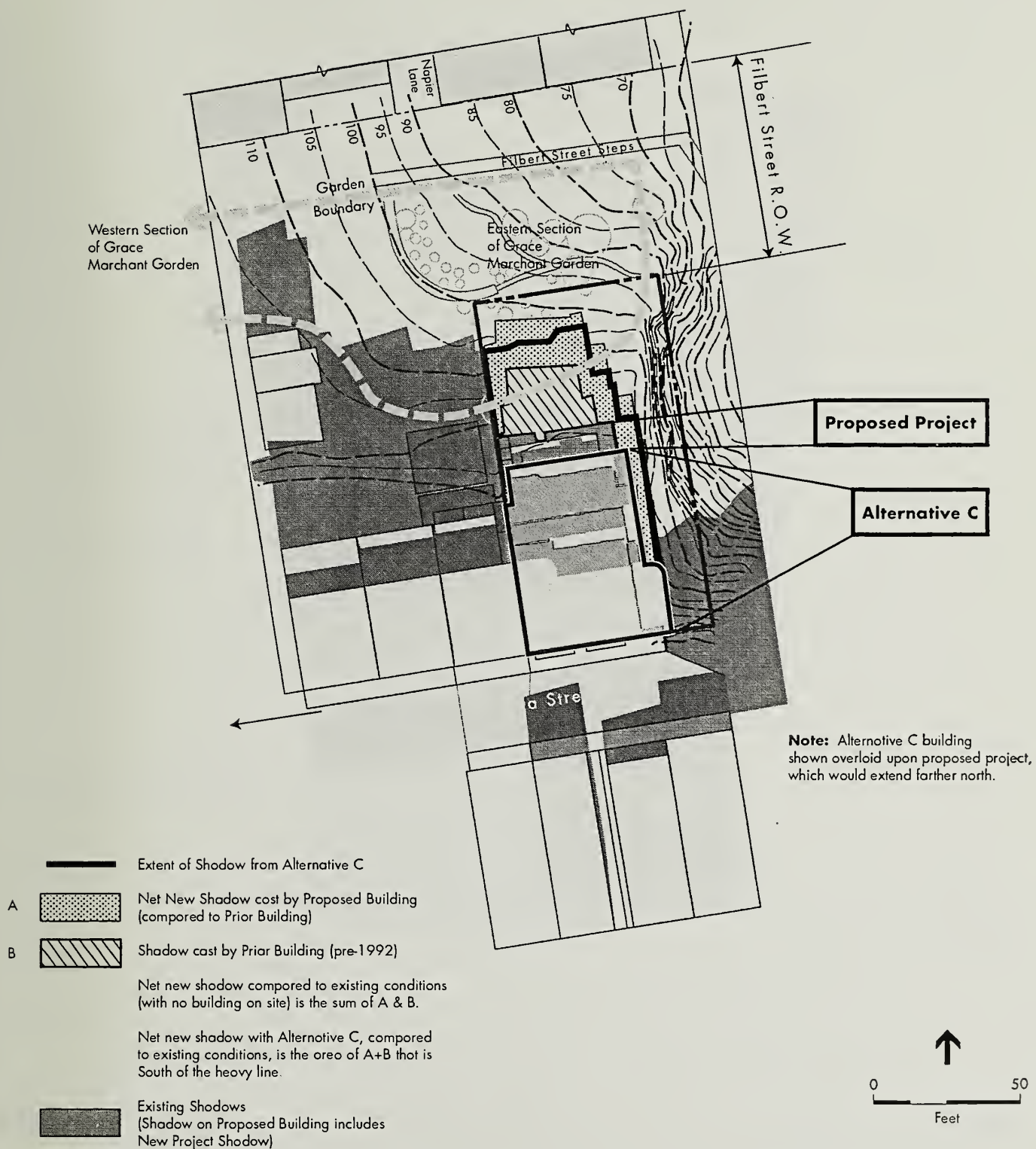
Figure 50
Comparison of Shadow Impacts
March 21 - 9 am



SOURCE: Environmental Science Associates

22-30 Alta Street ■

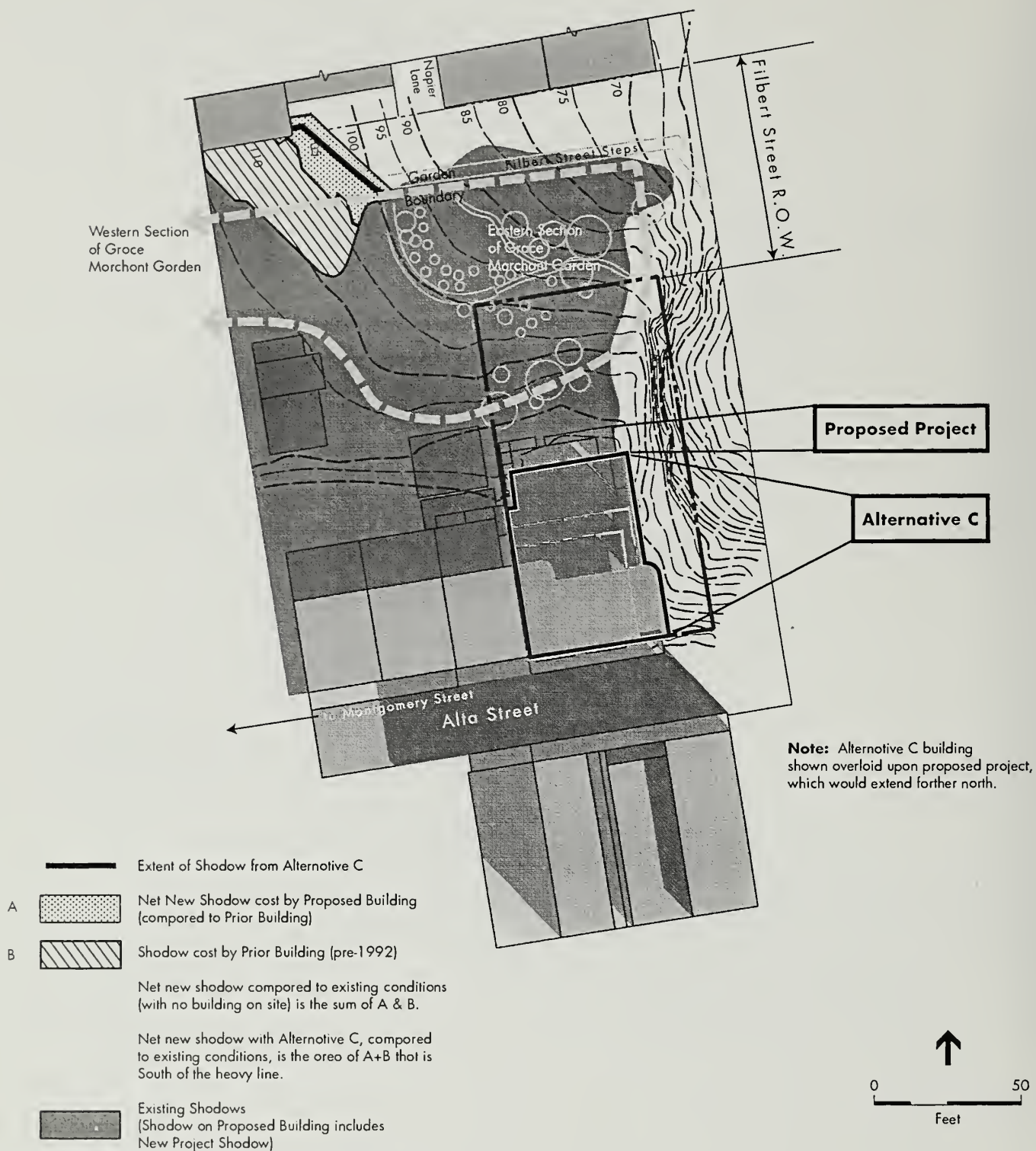
Figure 51
Comparison of Shadow Impacts
March 21 - 10 am



SOURCE: Environmental Science Associates

22-30 Alta Street ■

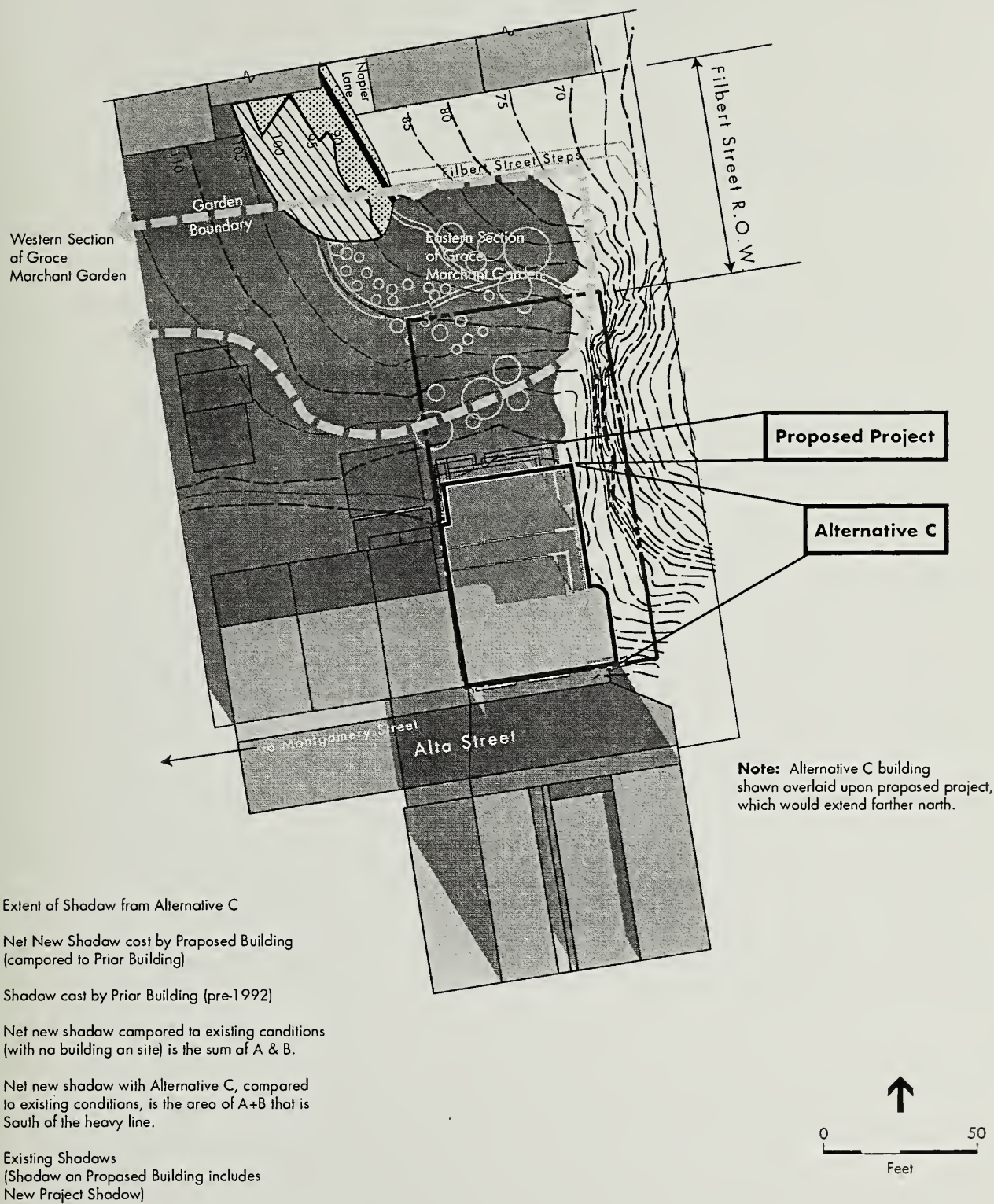
Figure 52
Comparison of Shadow Impacts
March 21 - 12 noon



SOURCE: Environmental Science Associates

22-30 Alta Street ■

Figure 53
Comparison of Shadow Impacts
December 21 - 9 am



SOURCE: Environmental Science Associates

22-30 Alta Street ■

Figure 54
Comparison of Shadow Impacts
December 21 - 10 am

would apply as to the total shadow coverage, although because the sun would be due south of the site, relative to the street grid, Alternative C would cast additional shadow, compared to the Proposed project, atop the cliff, at the eastern portion of the site. However, this new shadow would not be within the Eastern Section of the Grace Marchant Garden.

In December at 9:00 a.m. and 10:00 a.m., when the sun is relatively low in the sky, Alternative C would cast more shadow than did the McNear building, and less than would the proposed project. At 12:00 noon in December, Alternative C would cast a small amount of additional shadow, compared to the proposed project, but this shadow would be north of the Eastern Section of the Grace Marchant Garden, and for the most part would be outside the Filbert Street right-of-way (the small unshaded area at the northeasternmost portion of Figure 34). (This new shadow would be similar to, but less extensive than, new shadow at 12:00 noon in March.)

In summary, Alternative C would cast less shadow than would the proposed project, but more shadow than the McNear building. Alternative C would cast less shadow year-round than would the proposed project, in terms of “shadow-foot-hours” (square feet shaded times hours of shadow coverage). Therefore, as with the proposed project, shadow impacts would be less than significant.

GEOLOGY AND SEISMICITY

As with Alternative B, geological impacts under Alternative C would be similar to those identified for the proposed project, and would be less than significant. Alternative C would construct a wider structure (east-to-west) than with the proposed project, but the foundation would have the same width, and Alternative C would have less depth (north-to-south). Therefore, the potential for rockfalls during construction and the reduction in subsequent seismic hazards on the site would be similar for both structures. As with Alternative B, construction under Alternative C would comply with more stringent Building Code requirements, relative to those that were applicable to the former McNear building, and thus the new building would be a relatively safer structure than the previous apartment structure. With current Building Code requirements (as modified for San Francisco) coupled with advancements in rock slope protection and pier-foundation design and construction, the building constructed under this alternative would be less prone to hazards related to seismic shaking, slope erosion and rockfalls, compared to the McNear building.

BIOLOGY

As with the proposed project, Alternative C would result in less-than-significant, temporary construction-period impacts on biological resources; effects would be incrementally less substantial than those of the proposed project because this alternative would extend six feet less deep into the project site (the same depth as the former McNear building). No special status plant or animal species or their habitat would be adversely affected either by construction, or by shading once this alternative were constructed, and effects on biological resources would therefore be less than significant. Again, long-term effects would

be incrementally less substantial than with the proposed project, because Alternative C would cast less shadow than would the proposed project.

GROWTH INDUCEMENT

As with the proposed project, Alternative C would replace a prior, demolished building on the project site. A single residential unit developed on a previously built upon site, in a fully developed area, would have little or no potential to induce further development.

CHAPTER VII

DEIR DISTRIBUTION LIST

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California Historical Resources File System
Department of Anthropology
Sonoma State University
Rohnert Park, CA 94928
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Department of Building Inspection
1660 Mission Street
San Francisco, CA 94103
Attn: Frank Chui, Director

Landmarks Preservation Advisory Board
1660 Mission Street
San Francisco, CA 94103
Attn: Neil Hart

Daniel Reidy, President
Donna Levitt, Vice President
Ina Dearman
Paul Finwall
Nancy Ho-Belli
Jeremy Kotas
Penny Magrane
Suheil Shatara

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25 Van Ness Ave., Suite 700
San Francisco, Ca 94102
Attn: Margine Sako

Mayor's Office of Housing
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San Francisco, CA 94102
Attn: Marcia Rosen, Director

Mayor Office of Econ. Planning & Devel.
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401 Van Ness Ave.
San Francisco, CA 94102
Attn.: Terezia Nemeth

Bureau of Energy Conservation
Hetch Hetchy Water & Power
1155 Market Street, 4th Floor
San Francisco, CA 94103
Attn: John Deakin, Director

Public Utilities Commission
1155 Market Street
San Francisco, CA 94102
Attn: Anson B. Moran, General Manager

Recreation & Park Department
McLaren Lodge, Golden Gate Park
Fell and Stanyan Streets
San Francisco, CA 94117
Attn: Deborah Learner

Police Department
Planning Division Hall of Justice
850 Bryant Street
San Francisco, CA 94103
Attn: Capt. Timothy Hettrich

San Francisco City Planning Commission
1660 Mission Street
San Francisco, CA 94103
Attn: Jonas Ionin, Secretary
Hector Chinchilla, President
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Dennis Antenore
Richard Hills
Cynthia Joe
Larry Martin
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Bureau of Street Use and Mapping
875 Stevenson Street, Room 465
San Francisco, CA 94103
Attn: Denise Brady

Division of General Engineering Services
30 Van Ness Avenue, 5th Floor
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Attn: Margaret Divine

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Traffic Engineering Division
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Attn: Mark Rand

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Division of Planning & Research
260 Golden Gate Avenue
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Attn: Lorrie Kalos, Asst. Deputy Chief

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MUNI Planning Division
949 Presidio Avenue, Room 204
San Francisco, CA 94115
Attn: Peter Straus

San Francisco Real Estate Department
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Berkeley, CA 94720

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San Francisco, CA 94103
Attn: David Bahlman, Executive Director

S.F. Planning & Urban Research Association
312 Sutter Street
San Francisco, CA 94108

San Francisco Tomorrow
41 Sutter Street, Room 1579
San Francisco, CA 94104
Attn: Tony Kilroy

Mrs. G. Bland Platt
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KEY ISSUES RAISED BY COMMENTERS

To enable the reader to more easily find responses to topics of interest to them, certain key topics raised by commenters are listed below, along with the page number of the responses that address the topic.

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SECTION A

INTRODUCTION

This document contains public comments received on the Draft Environmental Impact Report (Draft EIR or DEIR) prepared for the proposed 22-30 Alta Street project, and responses to those comments.

Since publication of the Draft EIR, the project sponsor has revised the project proposal in response to concerns regarding the size of the building originally proposed. This revised proposal is described as a new alternative (“Alternative C”) in this Summary of Comments and Responses, and will be thus presented in the Final EIR. The new alternative would consist of construction of a single-family dwelling on the project site, rather than the three-unit condominium structure that was analyzed in the DEIR. Effects of the new Alternative C would, in several cases, be less substantial than the less-than-significant effects identified in the DEIR, and are analyzed in **Section B** of this Summary of Comments and Responses. The revised proposal (Alternative C) would not result in any new significant impacts not identified in the Draft EIR, and recirculation of the EIR is not required (CEQA Guidelines Section 15088).

This Summary of Comments and Responses includes all comments made on the Draft EIR and the responses to those comments, as required by CEQA Guidelines Section 15132.

Section B of this document contains a brief analysis of Alternative C, describing the reduction in less-than-significant impacts if this alternative were approved.

Section C of this Summary of Comments and Responses contains a list of persons and organizations who submitted written comments on the Draft EIR and who testified at the public hearing on the Draft EIR held on December 10, 1998.

Sections D and E contain the comments and responses. Comments are grouped by commenter to allow commenters to easily find the responses to their comment(s). As the subject matter of one comment may overlap that of others, the reader may be referred to another response. Note also that there is an index of principal responses to key topics in the Table of Contents, p. C&R.ii.

Section D contains comment letters received during the public review period from November 7 to December 22, 1998, and the responses to each comment. Each substantive comment on the EIR is labeled with a number in the margin and the response to each comment is presented immediately after the letter containing that comment.

Section E contains transcribed comments made at the public hearing on the Draft EIR and the responses to each of those comments. Each substantive comment on the EIR is similarly labeled with a number in the margin, and the responses to each set of comments follow those comments.

Some comments do not pertain to physical environmental issues, but responses are included to provide additional information for use by decision makers.

The Final EIR shall consist of the Draft EIR circulated from November 7 to December 22, 1998; the Comments and Responses contained herein; and all changes to the text of the Draft EIR described in this Summary of Comments and Responses, including the description and analysis of the revised project proposal (Alternative C).

No changes in circumstances have occurred since the Draft EIR was prepared, and no significant new information has become available that would alter the conclusions of the EIR analysis. Changes in the project sponsor's proposal (presented as Alternative C) would reduce the less-than-significant impacts of the project analyzed in the Draft EIR.

SECTION B

ANALYSIS OF NEW PREFERRED ALTERNATIVE

Since publication of the Draft EIR, the project sponsor has revised its proposal in response to concerns regarding the size of the project analyzed in the DEIR. The revised proposal is analyzed herein as a new alternative, and would consist of construction of a single-family dwelling on the project site, rather than the three-unit condominium structure that was analyzed in the DEIR. This new alternative, Alternative C, would reduce the less-than-significant impacts associated with the project analyzed in the Draft EIR.. Because Alternative C would not result in any new significant impacts not identified in the Draft EIR, recirculation of the EIR is not required (CEQA Guidelines Section 15088).

The following text is added to the EIR, beginning at the bottom of p. VI-2, in Chapter VI, Alternatives to the Proposed Project. Figures 44 through 48, referenced in the newly added text below, appear at the end of this Section B. (Please see also the responses to comments in this document concerning effects on the Telegraph Hill Historic District, especially Response A-5 on p. C&R.39.)

C. ALTERNATIVE C: SINGLE-FAMILY DWELLING

DESCRIPTION

Alternative C would consist of one single-family dwelling, rather than three condominium units as with the proposed project. Under Alternative C, the building would be five stories tall. Two stories would be at or above the Alta Street grade and three would be below the Alta Street grade. The Alternative C building would be about 23 feet tall according to the Planning Code (about 23 feet above the Alta Street grade), compared to 32 feet for the proposed project and 16 feet for the Fred McNear, Jr. Apartment Building that occupied the site from 1935 to 1992. From the grade at its rear elevation, Alternative C would have a height of about 64 feet, compared to about 73 feet for the proposed project and about 57 feet for the McNear building. Alternative C would be about 48 feet wide along the front (Alta Street) facade, or about three feet wider than the proposed project and about four feet wider than the McNear building. The Alternative C building would extend for a depth of 62 feet into the lot, towards Filbert Street, six feet less than the proposed project and the same depth as the McNear building. Alternative C would have a garage at the Alta Street level, as would the proposed project; the McNear building had no on-site parking. Table 2 compares the proposed project, Alternative C, and the original McNear building. (Because Alternative B would essentially replace the McNear building – except with three residential units compared to the original building’s five units – Alternative B is not included in Table 2.)

TABLE 2
COMPARISON OF PROJECT ALTERNATIVES

PARAMETER	FRED MCNEAR JR. BUILDING	PROPOSED PROJECT	ALTERNATIVE C
Residential units	5	3	1
Height above Alta Street, in feet (Planning Code Height)	16	32	23
Height at Rear (north) of Building, in feet ¹	57	73	64
Width along Alta Street, in feet ²	44	45	48
Depth from Alta Street, in feet ³	62	68	62
Stories	5	6	5
Stories at or above Alta Street	1½	3	2
On-Site Parking	None	5 spaces	2 spaces

¹ Height of former McNear building estimated by review of plans (front elevation) and by comparison of ground elevations at front and rear of building (rear elevation), from a survey of the project site prepared by Martin M. Ron Associates, January 22, 1996, as revised.

² Width of former McNear building along Alta Street includes entry way to staircase along east side of building.

³ Excluding 3-foot cantilevered decks in Proposed Project design only.

In design, Alternative C would be very similar to the project, in that it would feature Moderne influences such as balconies and a cement plaster exterior. The house proposed for Alternative C would step down the hillside, from Alta Street to the north, as would the proposed project. (In all of these respects, Alternative C would also be similar to the former McNear building.)

Alternative C would have approximately 5,300 square feet of living area (excluding garage and common space) and about 6,200 square feet of occupied floor area (osf), compared to about 5,900 square feet (6,900 osf) for the proposed project and about 2,950 square feet (3,300 osf) for the McNear building.

Figures 44 through 48 depict a site plan and elevations of Alternative C; they are comparable to Figures 2 through 6, pp. II-4 through II-8, in Chapter II, Project Description. Figure 50 presents a comparison of the profiles of Alternative C, the proposed project, and the prior (McNear) building. These figures are presented at the end of this Section B, starting on p. C&R.9.

IMPACTS

LAND USE

Like the proposed project and Alternative B, Alternative C would result in residential construction on the project site (as was the case with the McNear building). Unlike Alternative B and the McNear building, however, this alternative would include on-site parking, in a two-car garage on Alta Street (as would the

proposed project, which would have five parking spaces for three units). Like the proposed project, Alternative C would be compatible with existing nearby uses, and would not result in a significant effect related to land use. Unlike the proposed project and the other alternatives, Alternative C would construct a single-family dwelling, as opposed to a multi-family residential building. Because the project area includes both houses and apartments/condominiums, construction of a single-family dwelling would not result in any land use incompatibility.

HISTORIC ARCHITECTURAL RESOURCES

As with the proposed project, Alternative C would not impair the historical significance of the Telegraph Hill Historic District, and therefore would not result in a significant effect with regard to historic architectural resources. Like the proposed project, Alternative C would not strictly adhere to the style guidelines for the district contained in Appendix G of Planning Code Article 10. However, both the Case Report for the Telegraph Hill Historic District and the Planning Code identify the Modern period as part of the district's period of significance; include Modern buildings as contributory elements to the district; and encourage "construction in a contemporary idiom." Thus, although the Code's specific style guidelines do not reinforce Modern elements, Alternative C (like the proposed project) would conform with the general standards regarding contemporary buildings of the Telegraph Hill Historic District as described because of its Moderne detailing and terraced design.

VISUAL QUALITY

As with the proposed project, Alternative C would result in a visual change on the project site. The structure under this alternative would have five stories (two at or above grade) – one less in each instance than the proposed project and comparable to the former McNear building (which had 1½ stories at or above grade, but had no garage). Alternative C would be primarily Moderne in style, like the proposed project and the McNear building. This alternative would not be of a style similar to that of most of the buildings immediately surrounding the project site, although it would share design characteristics with other Modern buildings in the neighborhood. The Alternative C building would generally be visible from the same locations as would the proposed project. In general, therefore, visual effects would be similar than those of the proposed project, although this alternative could be perceived by some observers as somewhat less visually intrusive, owing to its reduced height, compared to the proposed project. Visual effects, therefore, would be less than significant, as with the proposed project.

SHADOW

Because it would be about nine feet shorter than the proposed project and about seven feet taller than the McNear building, Alternative C would generally cast less shadow on the slope below (to the north), including the Grace Marchant Garden, than would the proposed project, and more shadow than did the McNear building. Because Alternative C would extend three to four feet farther east, along Alta Street, than either the proposed project or the McNear building, Alternative C would cast incrementally greater shadow to the east than either of the other two buildings. However, except during morning periods when

the sun is lowest in the sky (early in the morning in late fall and early winter), this effect would be limited to shading on the very top of the cliff that overlooks Sansome Street; in general, this shadow would not affect usable open space.

A shadow analysis was performed for Alternative C, and is summarized here.¹ Shadow effects of Alternative C on the Grace Marchant Garden would be different than those of the proposed project and the McNear building only in the morning hours. In the afternoon, the sun angle is such that shadow from a building on the project site falls only on the site itself and is relatively short, as in the early afternoon, or falls on the cliff to the east, as in the later afternoon; see Figures 23, 27, 31, and 35, pp. III.D-7, III.D-11, III.D-15, and III.D-19. Figures 50 through 54 compare shadow effects of Alternative C with those of the proposed project and of the former McNear building for the hours of 9:00 a.m., 10:00 a.m., and 12:00 noon on March 21, and the hours of 9:00 a.m. and 10:00 a.m. on December 21. Note that September shadows are similar to those in March, except that the time in September is one hour later because of daylight savings time. These figures are presented at the end of this Section B, starting on p. C&R.15.

In March at both 9:00 a.m. and 10:00 a.m., shadow from Alternative C would be less than with the proposed project and more than with the McNear building. At noon in March, this same comparison would apply as to the total shadow coverage, although because the sun would be due south of the site, relative to the street grid, Alternative C would cast additional shadow, compared to the Proposed project, atop the cliff, at the eastern portion of the site. However, this new shadow would not be within the Eastern Section of the Grace Marchant Garden.

In December at 9:00 a.m. and 10:00 a.m., when the sun is relatively low in the sky, Alternative C would cast more shadow than did the McNear building, and less than would the proposed project. At 12:00 noon in December, Alternative C would cast a small amount of additional shadow, compared to the proposed project, but this shadow would be north of the Eastern Section of the Grace Marchant Garden, and for the most part would be outside the Filbert Street right-of-way (the small unshaded area at the northeasternmost portion of Figure 34). (This new shadow would be similar to, but less extensive than, new shadow at 12:00 noon in March.)

In summary, Alternative C would cast less shadow than would the proposed project, but more shadow than the McNear building. Alternative C would cast less shadow year-round than would the proposed project, in terms of "shadow-foot-hours" (square feet shaded times hours of shadow coverage). Therefore, as with the proposed project, shadow impacts would be less than significant.

¹ Environmental Science Associates, memorandum to Michael Kometani and Rick Cooper, San Francisco Planning Department, April 29, 2000. This memorandum is available for review at the Planning Department, 1660 Mission Street, in Case File No. 97.433E.

GEOLOGY AND SEISMICITY

As with Alternative B, geological impacts under Alternative C would be similar to those identified for the proposed project, and would be less than significant. Alternative C would construct a wider structure (east-to-west) than with the proposed project, but the foundation would have the same width, and Alternative C would have less depth (north-to-south). Therefore, the potential for rockfalls during construction and the reduction in subsequent seismic hazards on the site would be similar for both structures. As with Alternative B, construction under Alternative C would comply with more stringent Building Code requirements, relative to those that were applicable to the former McNear building, and thus the new building would be a relatively safer structure than the previous apartment structure. With current Building Code requirements (as modified for San Francisco) coupled with advancements in rock slope protection and pier-foundation design and construction, the building constructed under this alternative would be less prone to hazards related to seismic shaking, slope erosion and rockfalls, compared to the McNear building.

BIOLOGY

As with the proposed project, Alternative C would result in less-than-significant, temporary construction-period impacts on biological resources; effects would be incrementally less substantial than those of the proposed project because this alternative would extend six feet less deep into the project site (the same depth as the former McNear building). No special status plant or animal species or their habitat would be adversely affected either by construction, or by shading once this alternative were constructed, and effects on biological resources would therefore be less than significant. Again, long-term effects would be incrementally less substantial than with the proposed project, because Alternative C would cast less shadow than would the proposed project.

GROWTH INDUCEMENT

As with the proposed project, Alternative C would replace a prior, demolished building on the project site. A single residential unit developed on a previously built upon site, in a fully developed area, would have little or no potential to induce further development.

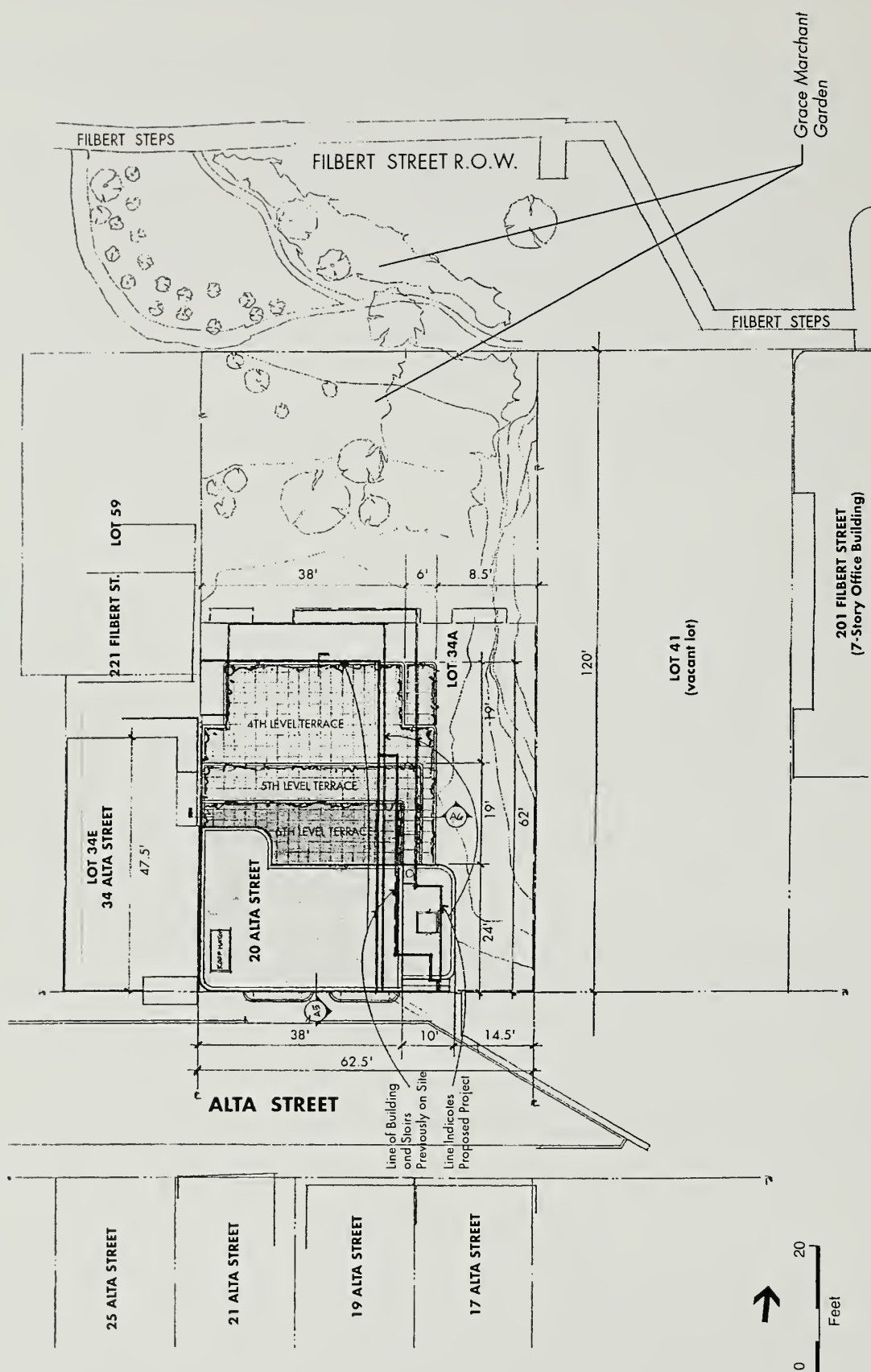
In addition to the above, the following text concerning new Alternative C is added to the EIR summary, beginning at the bottom of p. I-7:

ALTERNATIVE C: SINGLE-FAMILY DWELLING

Alternative C would consist of a five-story single-family dwelling, rather than three condominium units. Alternative C would be about 23 feet tall according to the Planning Code, compared to 32 feet for the proposed project, and would have a rear height of about 64 feet, compared to about 73 feet for the proposed project. It would be about three feet wider than the proposed project on Alta Street, and would

extend six feet less far north than the proposed project. This alternative would have two on-site parking spaces in a garage on Alta Street.

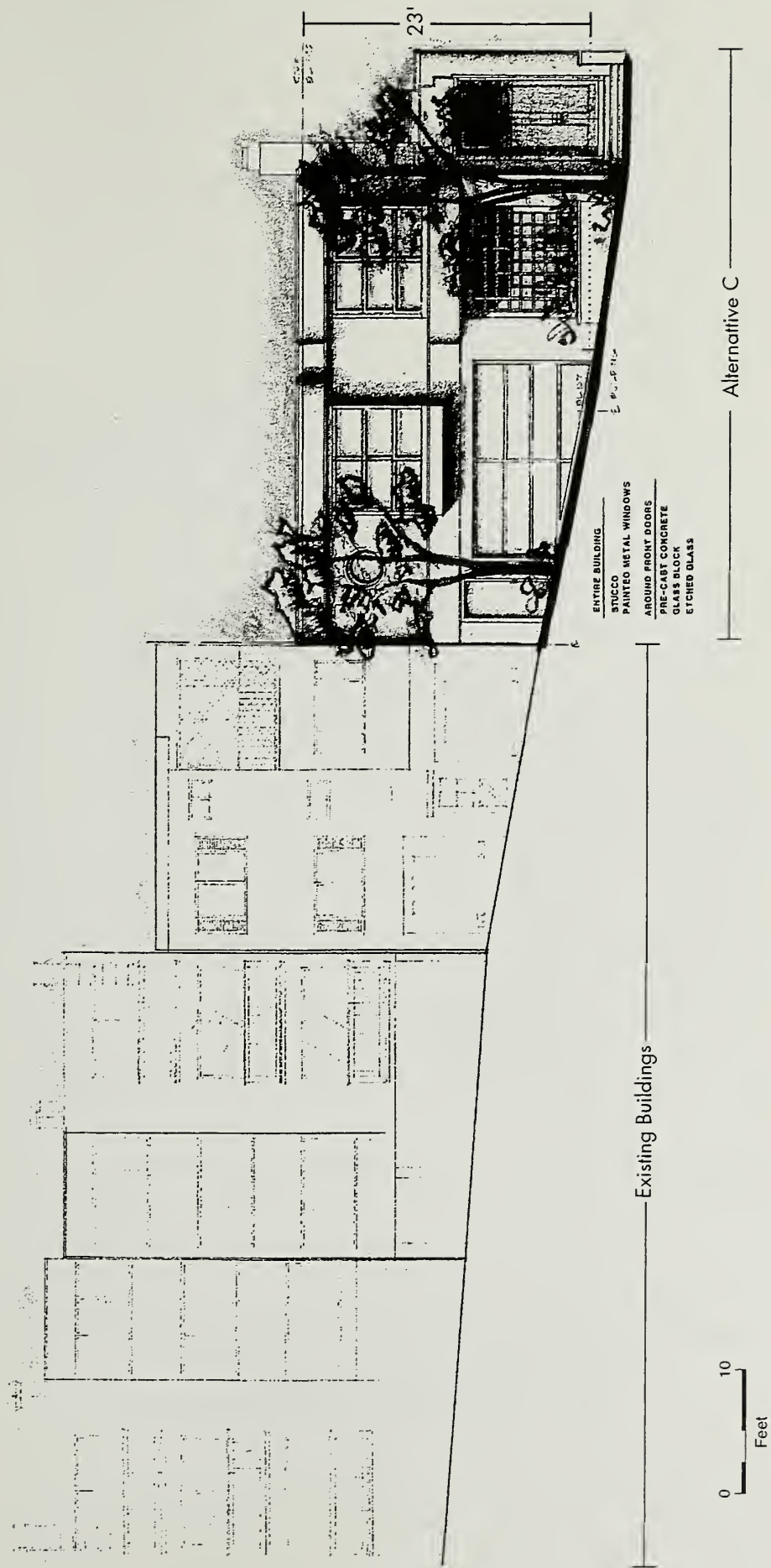
Effects of this alternative would be similar to, or incrementally less substantial than, those of the proposed project. Because of the reduced height, shadow effects would be somewhat less than those of the project, but somewhat more than those of the former McNear building that previously existed on the site. As with the proposed project and Alternative B, shadow impacts would be less than significant. Effects related to land use, historic architectural resources, visual quality, geology and seismicity, and biological resources would be similar to those of the proposed project and, like those of the project, would be less than significant.

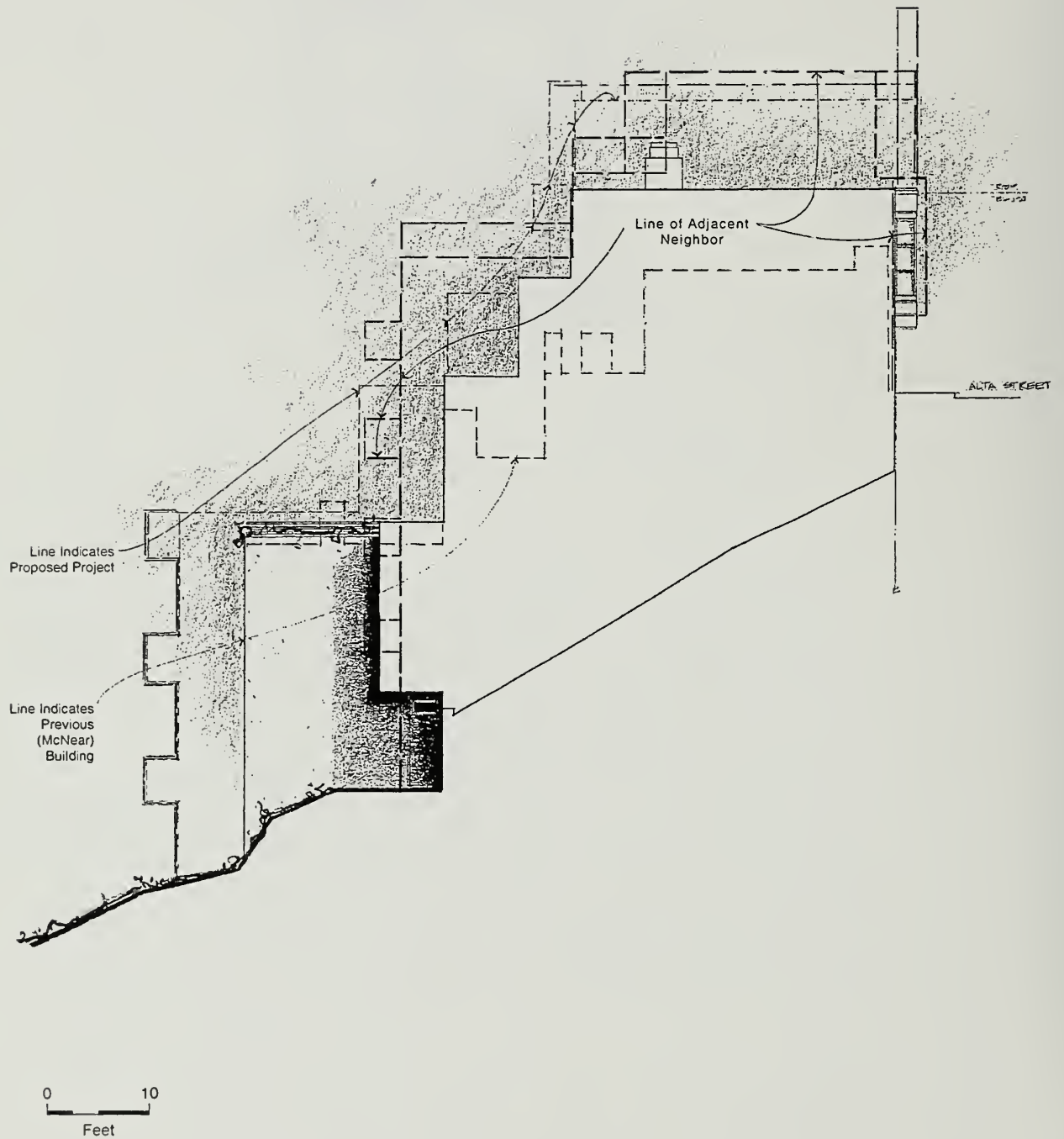


22—30 Alta Street

Figure 44
Alternative C: Site/Roof Plan

SOURCE: McEachron Architects Inc.





SOURCE: McEachron Architects Inc.

22 - 30 Alta Street ■

Figure 46
Alternative C: West Elevation



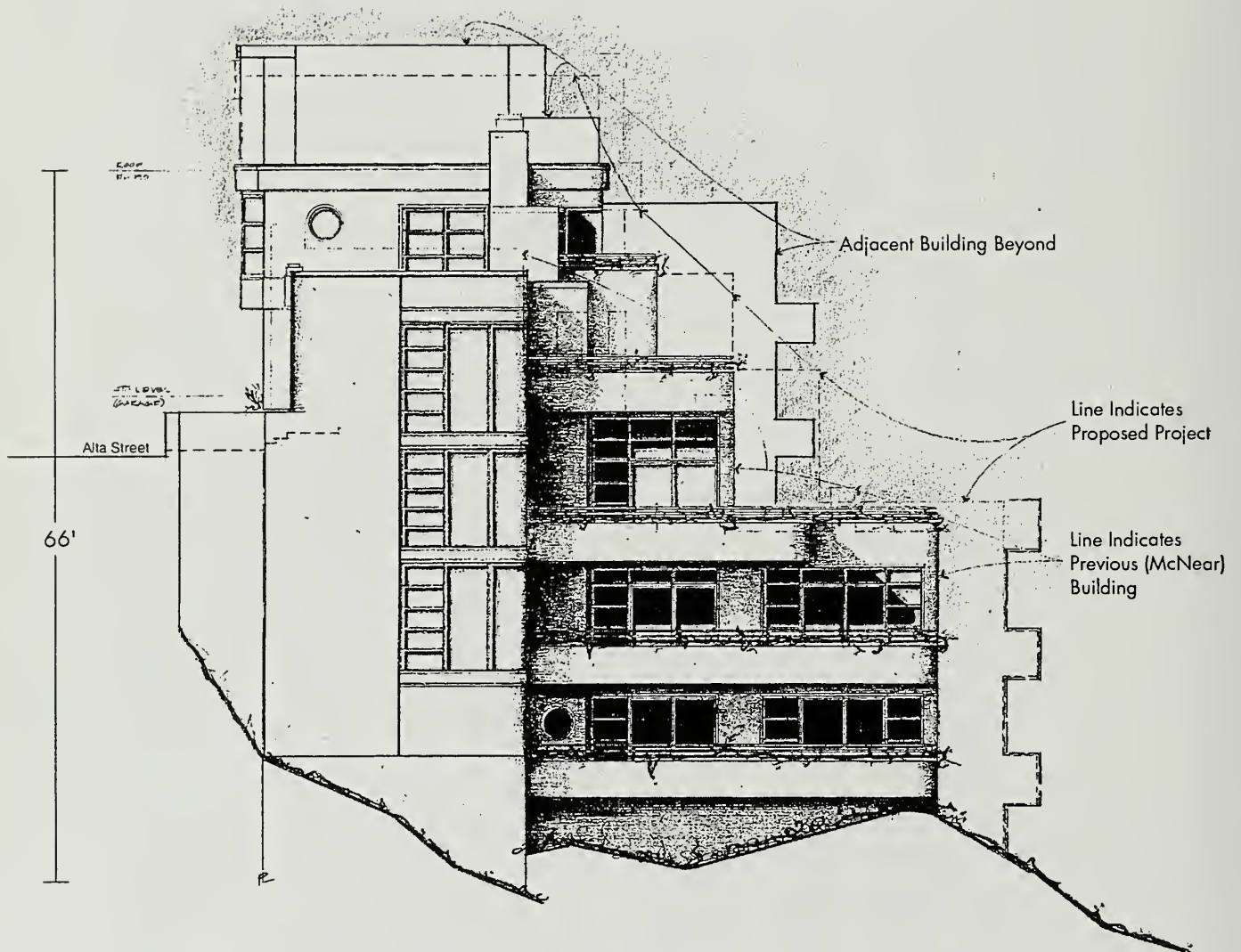
0 10
Feet

22 - 30 Alta Street ■

Figure 47

Alternative C: North Elevation

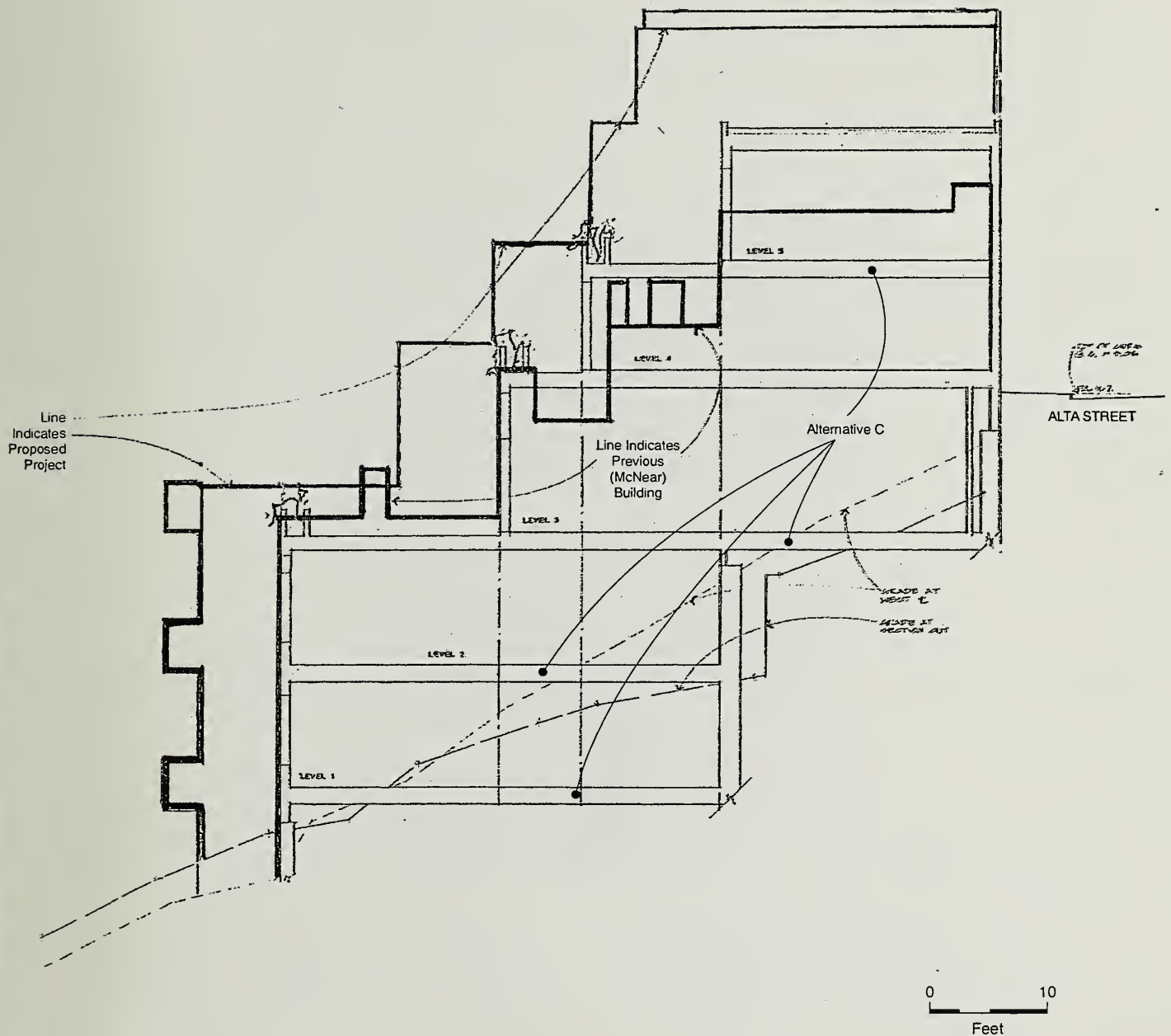
SOURCE: McEachron Architects Inc.



SOURCE: McEachron Architects Inc.

22 - 30 Alta Street ■

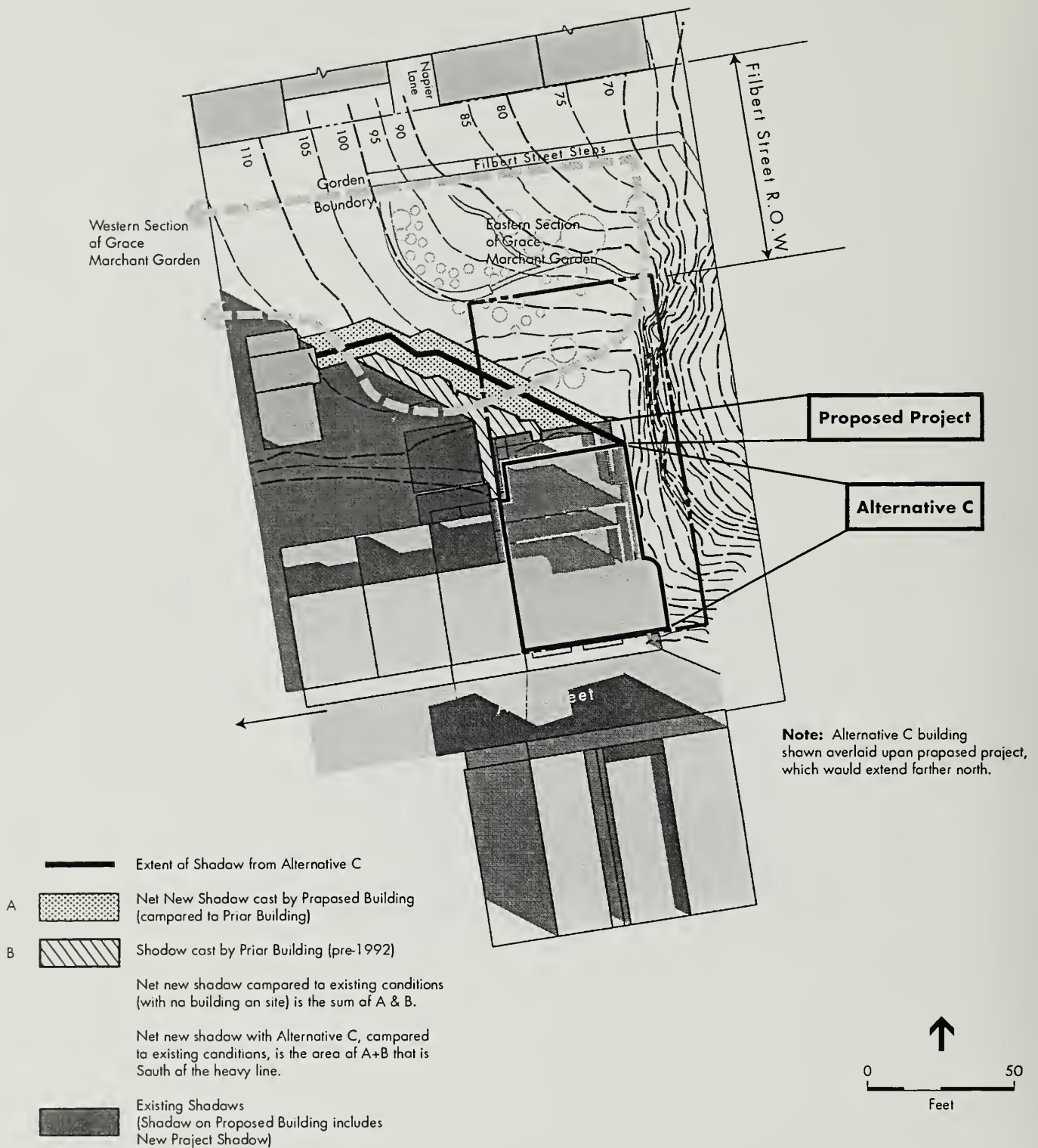
Figure 48
Alternative C: East Elevation



SOURCE: McEachron Architects Inc.

22 - 30 Alta Street ■

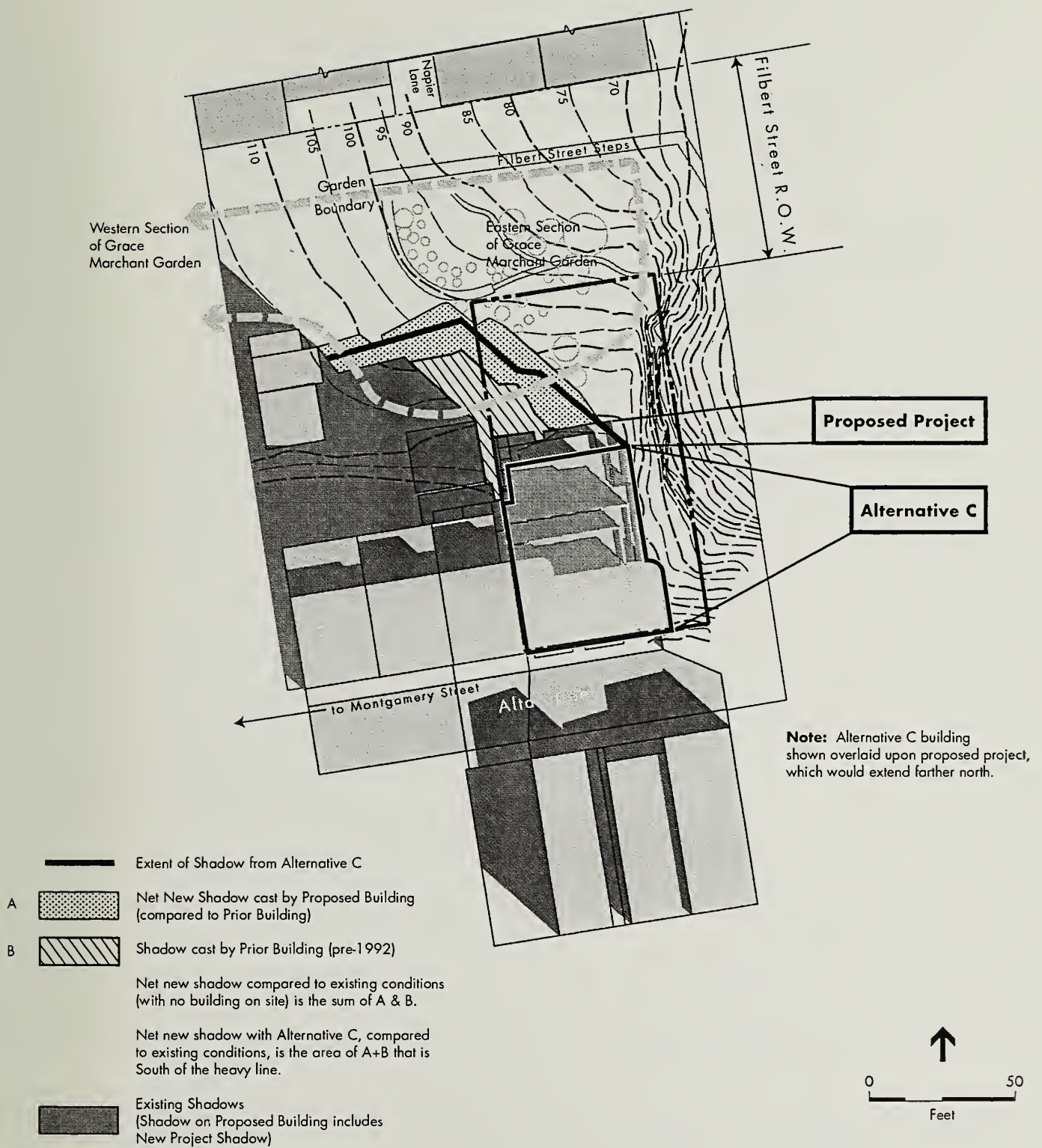
Figure 49
Comparison of Alternative C to
Proposed Project and McNear Building



SOURCE: Environmental Science Associates

—22-30 Alta Street ■

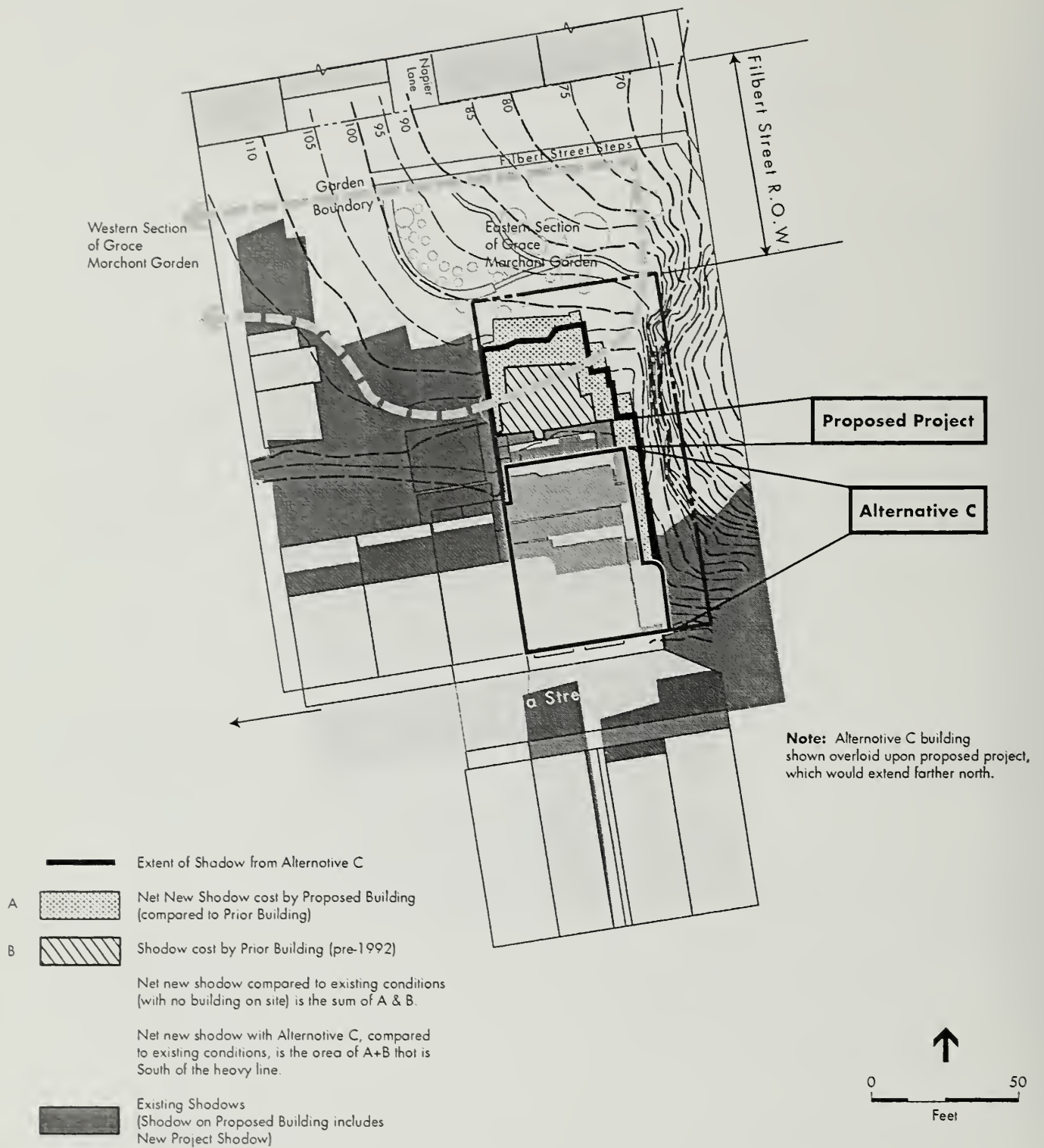
Figure 50
Comparison of Shadow Impacts
March 21 - 9 am



SOURCE: Environmental Science Associates

22-30 Alta Street ■

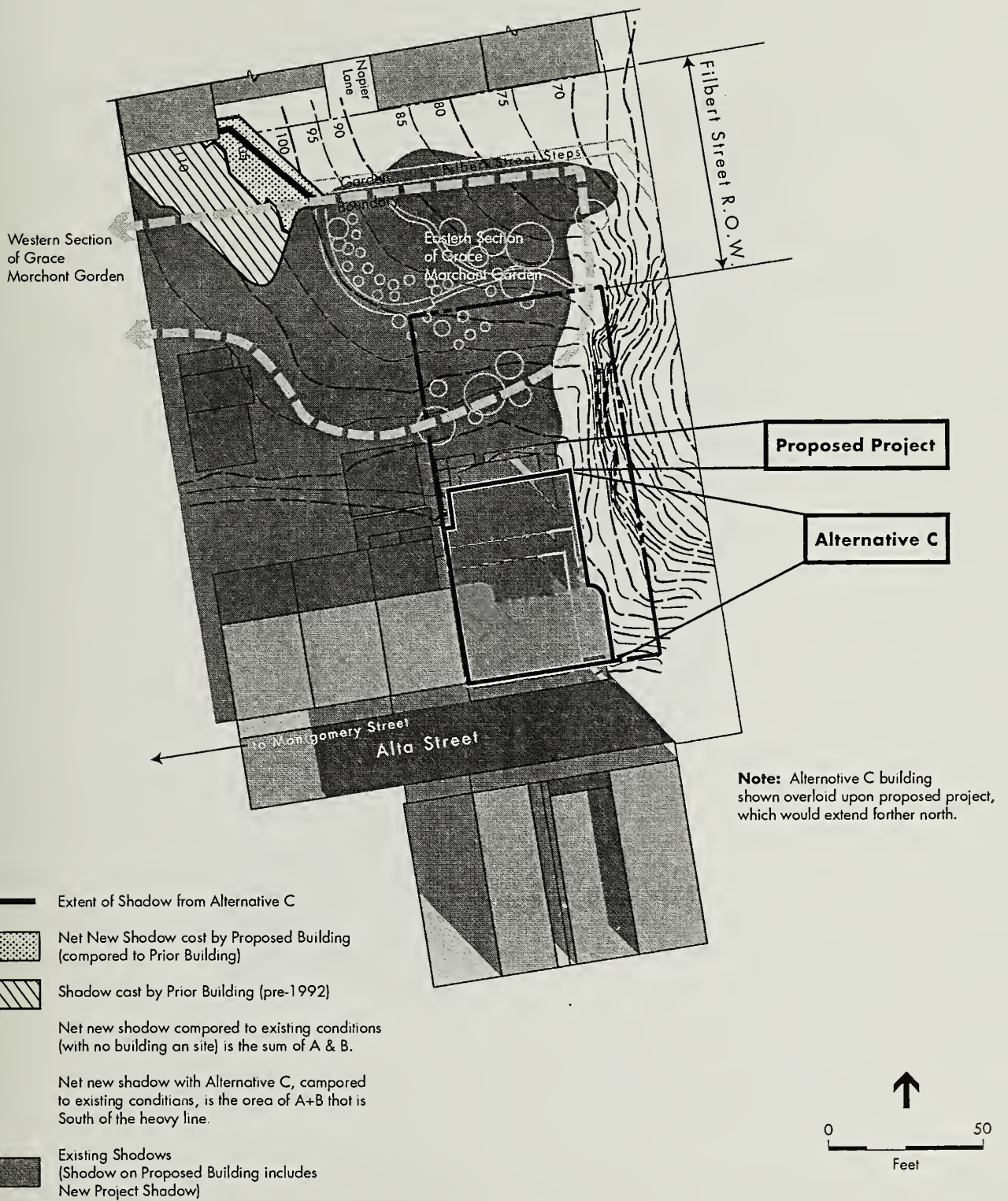
Figure 51
Comparison of Shadow Impacts
March 21 - 10 am



SOURCE: Environmental Science Associates

22-30 Alta Street ■

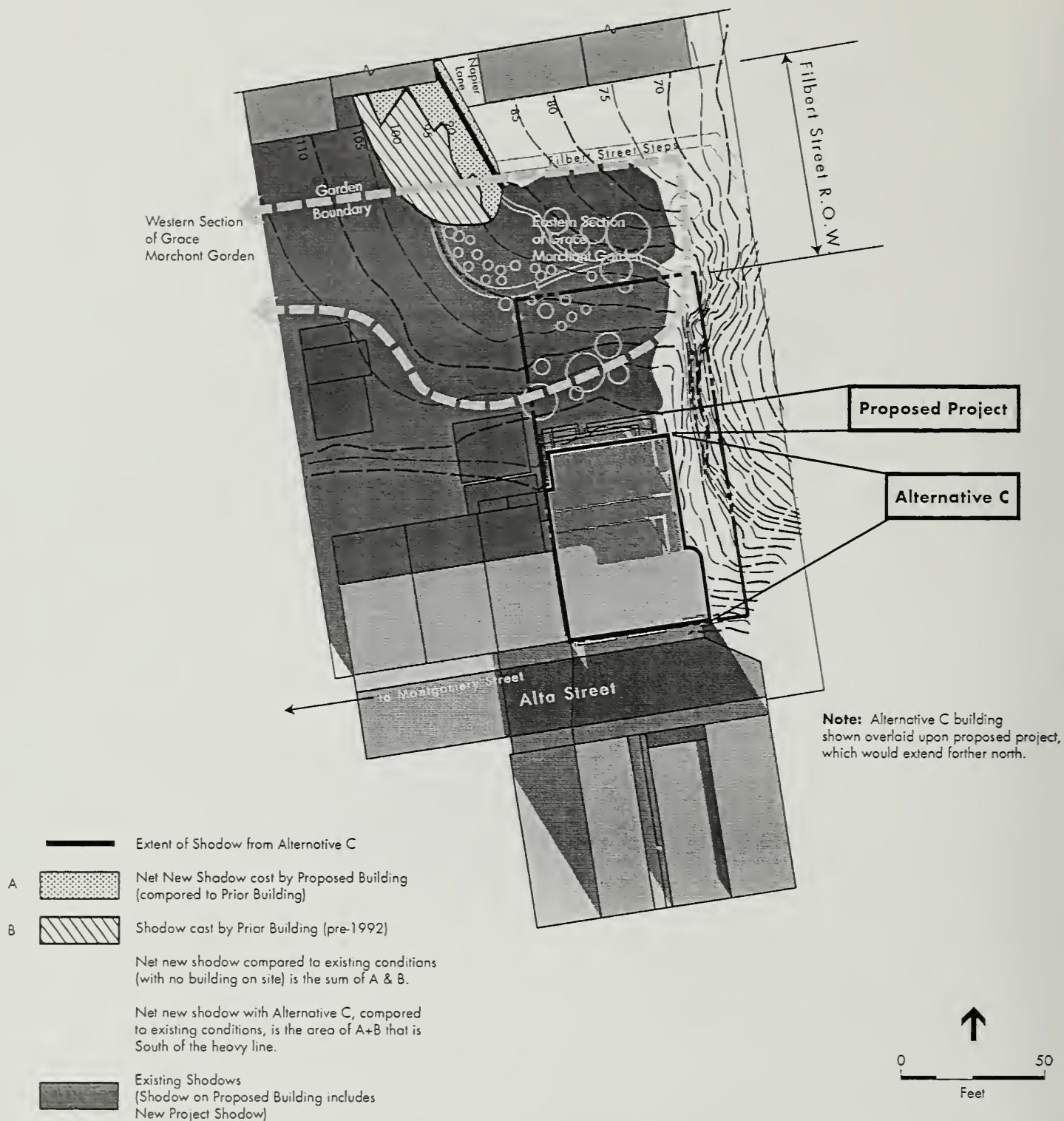
Figure 52
Comparison of Shadow Impacts
March 21 - 12 noon



SOURCE: Environmental Science Associates

22-30 Alta Street ■

Figure 53
Comparison of Shadow Impacts
December 21 - 9 am



SOURCE: Environmental Science Associates

22-30 Alta Street ■

Figure 54
Comparison of Shadow Impacts
December 21 - 10 am

SECTION C

LIST OF PERSONS COMMENTING

WRITTEN COMMENTS

Trent Orr, Attorney representing Telegraph Hill Dwellers, Friends of the Garden, and Alta/Filbert Preservation Association

Telegraph Hill Dwellers, Alta/Filbert Preservation Association, and Friends of the Garden, joint letter and attachments, December 10, 1998

Daniel F. Reidy, President, San Francisco Landmarks Preservation Advisory Board, letter, December 8, 1998

The Foundation for San Francisco's Architectural Heritage, letter, December 10, 1998

Stan R. Hayes, letter, December 10, 1998

Joseph Mecri and Monica Mejia, letter, December 7, 1998

Joan Kless Levin, letter, December 9, 1998 .

PUBLIC HEARING COMMENTS, DECEMBER 10, 1998

Karen Kevorkian (reading a statement by Jane Winslow)

Gerry Crowley, President of Telegraph Hill Dwellers

Larry Habegger, President of Friends of the Garden

Trent Orr, Attorney representing Telegraph Hill Dwellers, Friends of the Garden, and Alta/Filbert Preservation Association

Leo McLaughlin

Staci Shember

Stan R. Hayes

James Attwood

Alan Kropp, geotechnical engineer

Lance Carnes

Joe Luttrell

Arthur Chang (reading a statement by Howard Wong)

Arthur Chang

SECTION D

WRITTEN COMMENTS AND RESPONSES

This chapter includes copies of the comment letters received during the public review period on the Draft EIR and responses to those comments. Each substantive comment on the Draft EIR is labeled with a number in the margin and the response to each comment is similarly numbered and presented after the letter containing that comment. Where responses include changes to the text of the Draft EIR, these changes will also appear in the Final EIR.



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fax: 415-643-6661
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December 8, 1998

Hillary E. Gitelman, Environmental Review Officer
San Francisco Planning Department
1660 Mission Street
San Francisco, California 94103

Re: Comments of Telegraph Hill Dwellers, Alta/Filbert Preservation Association, and Friends of the Garden on the 22 - 30 Alta Street Draft Environmental Impact Report

Dear Ms. Gitelman:

I submit these comments regarding the 22 - 30 Alta Street Draft Environmental Impact Report ("DEIR") on behalf of my clients: Telegraph Hill Dwellers, the leading neighborhood organization on Telegraph Hill, representing some 600 households on the Hill and in North Beach; the Alta/Filbert Preservation Association, a neighborhood organization representing some 50 concerned residents in the immediate vicinity of the proposed project; and Friends of the Garden, a citizens' organization dedicated to the protection and enhancement of the Grace Marchant Garden and the Telegraph Hill Historic District ("THHD"). Because the proposed 22 - 30 Alta Street Project ("the Project") would be built on a lot that is part of the Grace Marchant Garden and the Project would be directly adjacent to and above the Grace Marchant Garden, my clients are vitally interested in the potential adverse impacts that the Project could have on the Garden and the surrounding historic structures, walkways, and cliffs within the THHD, as well as on the character of the THHD as a whole. The Project proposed is a huge structure that would be three times the volume of, and 50% taller than, the contributory building that used to occupy the Project site, and much larger than any nearby contributory buildings within the THHD. It would loom as a huge bulk above the Grace Marchant Garden, casting significantly more shadow on the Garden over the course of the year than either the current unoccupied lot or the former McNear building and drastically altering the existing visual character of the Garden and the surrounding THHD.

My clients (and many others concerned to preserve the integrity of the Garden and the THHD) have submitted, or will be submitting by the comment deadline for the DEIR, detailed comments presenting their concerns about the deficiencies of the DEIR as an adequate analysis of the full range of adverse environmental impacts that the Project presents for the Garden and the THHD. I have reviewed my clients' comments, which identify problems and questions concerning the DEIR's analysis, section by section and page by page. I commend these comments to your careful attention and will not readdress here all of the issues my clients raise at the level of detail those comments employ. Rather, this letter will address more broadly a series of legal flaws in the DEIR in light of the requirements of the California Environmental Quality Act ("CEQA"), Pub. Res. C. § 21000 *et seq.*, and the State's regulatory Guidelines for the implementation of CEQA, found in Title 14 of the California Code of Regulations at § 15000 *et seq.* Further, I will offer comments on the extent to which the DEIR and the Project itself improperly ignore provisions

of the San Francisco General Plan and the Planning Code, including those specifically enacted to protect the THHD.

As is detailed below, the DEIR fails to discuss the full range of significant impacts that the Project poses to historic resources, visual resources, open space, and geological and seismic hazards; to propose adequate measures to mitigate those impacts; to describe the Project and its setting accurately; and to examine a reasonable range of environmentally superior alternatives to the Project. These deficiencies must be addressed in the EIR before any final Project can be lawfully approved. Moreover, the Project itself must be substantially revised to comply with both the letter and the spirit of the ordinance creating the THHD and, even more to the point, to provide the fullest possible protection for the Grace Marchant Garden and the THHD, which lies at the heart of the City's reasons for enacting that ordinance.

I. The DEIR fails in a number of crucial respects to address adequately the full range of environmental impacts that the Project would have.

Critical to any EIR is its analysis of the potentially significant impacts that the project under review could have on the environment. Indeed, when such impacts have been identified, a public agency cannot approve the project as proposed "if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such project[]," unless certain overriding social, economic, or other conditions are expressly found to support such approval despite the project's significant effects. Pub.Res.C. § 21002. The procedures required by CEQA are specifically "intended to assist public agencies in systematically identifying" a project's significant effects and mitigation measures to avoid those effects or reduce them to levels of insignificance. *Id.* This identification and mitigation of a proposed project's impacts is thus one of the central purposes of CEQA.

Unfortunately, the 22 - 30 Alta Street DEIR fails to acknowledge the true extent of, and thus to analyze properly, a variety of significant adverse impacts that the Project would have on the historical integrity of the THHD and its components, on shading the Grace Marchant Garden, on visual and aesthetic resources of the neighborhood, and on geological and seismic safety in the vicinity of the Project site. Moreover, the DEIR also fails to acknowledge and discuss the many inconsistencies of the Project with the City's established plans and goals that call for the protection of the THHD and its resources, including the Grace Marchant Garden. In failing to conduct an adequate impact analysis, the DEIR also fails to propose feasible mitigation measures or project alternatives that would reduce these impacts to levels of insignificance. Until the following impacts are properly identified and analyzed, and feasible mitigations provided, the EIR cannot be certified as complying with CEQA and providing a proper legal basis thereunder for Project approval.

A. Inconsistency with Environmental Plans and Goals:

The DEIR fails to analyze the inconsistency of the Project with applicable plans and goals: "A project will normally have a significant effect on the environment if it will: Conflict with adopted environmental plans and goals of the community where it is located." Guidelines, Appendix G(a). "The EIR shall discuss *any inconsistencies* between the proposed project and applicable general plans and regional plans." Guidelines § 15125(b) (emphasis added). At the outset, we note that the DEIR violates the plain language of the latter requirement. The DEIR maintains that it is the job of the Planning Commission, "independently of the environmental review process," to consider potential conflicts with the General Plan. II-11. It goes on to note

what it terms "[s]ome of the key objectives and policies" of the San Francisco General Plan (II-11-12) but does not discuss the inconsistencies of the Project with these or any other provisions of the General Plan. This is a patent violation of the requirements of CEQA for an adequate EIR and must be remedied in order for the EIR to be an adequate basis for agency action.

By the same token, the DEIR describes eight Priority Policies established for planning decisions Citywide by Proposition M but fails to perform the requisite CEQA analysis of the consistency of the Project with these environmental policies. II-11. The potential conflict of the Project with several of these -- protection of neighborhood character, landmark and historic building preservation, protection of open space, and earthquake preparedness -- is obvious and should be discussed in the EIR. Similarly, the EIR should also discuss the consistency of the Project with § 101.1(b) of the Planning Code, which calls for the protection of the City's open spaces from shading.

A-1
CONT.

The EIR is even more glaring in its failure to discuss systematically the Project's potential to conflict with the most obviously relevant "adopted environmental plan" for "the community where it is located," Appendix G to Article 10 of the San Francisco Planning Code, which specifically governs planning decisions for the THHD. Article 10, Appendix G (not to be confused with CEQA Guidelines Appendix G, cited above and elsewhere in this letter) requires "preservation on an area basis rather than on the basis of individual structures alone" within the THHD. Art. 10, App. G § 1. It makes specific reference to the District's cliffs as "a highly significant aesthetically important component defining the setting of the District" and to the Grace Marchant Garden, as well as the unimproved rights-of-way generally, as "valuable open spaces." Art. 10, App. G § 5. In its provisions for Certificates of Appropriateness particular to the THHD, Appendix G underscores that "historic open space" is an integral part of the District's character and provides a good deal of guidance about what sort of new construction is compatible with the District. Art. 10, App. G § 7. Unfortunately, the DEIR nowhere weighs the Project against these requirements one by one, yet it nevertheless seems to arrive at an unfounded conclusion that the Project is not in any fundamental way inconsistent with the provisions of Appendix G. III.B-16-17. We will return to this topic in the following discussion of the impacts of the Project on the THHD, but conclude the present discussion with the observation that the DEIR is sorely deficient in failing to analyze all of the inconsistencies of the Project with Article 10, Appendix G, as is clearly mandated by CEQA Guidelines § 15125(b) and Guidelines Appendix G(a).

A-2

B. Impacts on Historic Resources:

The DEIR's treatment of the Project's impacts on the THHD is woefully inadequate: "A project will normally have a significant effect on the environment if it will: Disrupt or adversely affect...a property of historic or cultural significance to a community..." Guidelines, Appendix G(j). CEQA expressly requires that an EIR examine the potentially significant impacts of a project on historic resources. Pub.Res.C. §§ 5020.1(k), 21084.1; Guidelines § 15382; see *League for Protection of Oakland's Architectural and Historic Resources v. City of Oakland*, 52 Cal.App.4th 896 (1997). A substantial adverse change in a historic resource is defined in the Public Resources Code to include an "alteration" that would impair the significance of the resource. Pub.Res.C. § 5020.1 (q). The historic resources at issue here are, of course, the entire THHD, as well as each of its significant components. As we have seen, Article 10, Appendix G contemplates the protection of the THHD as an integrated historic district, not just the preservation of its individual historic structures. In arriving at its wholly unsubstantiated conclusion that the Project would have no significant impacts on the THHD as a

A-3

whole, or on the subpart of the District where it is located, or on the contributory buildings and District open space in the immediate vicinity, the DEIR falls far short of the analysis of impacts to historic resources required by CEQA. Moreover, to the limited extent that it addresses the Project's impacts on the THHD's historic resources, the DEIR confines its discussion to impacts on historic architecture in the District and nowhere more broadly addresses impacts on the historic gardens, cliffs, and other open spaces that Article 10, Appendix G identifies as integral parts of the THHD's historic resources.

A-3
CONT.

"[T]he EIR must contain facts and analysis, not just the agency's bare conclusions or opinions." *Citizens of Goleta Valley v. Board of Supervisors*, 52 Cal.3d 553, 568 (1990) (quoting *Concerned Citizens of Costa Mesa, Inc. v. 32nd Dist. Agricultural Assn.*, 42 Cal.3d 929, 935 (1986) and *Laurel Heights Improvement Assn. v. Regents of University of California*, 47 Cal.3d 376, 404-05 (1988)). Specifically addressing the requirement that an agency must respond to public concerns expressed during the EIR comment period, the CEQA Guidelines provide: "There must be good faith, reasoned analysis in response. *Conclusory statements unsupported by factual information will not suffice.*" 14 C.C.R. § 15088(b) (emphasis added). Unfortunately, in the DEIR's discussion of the Project's impacts on the THHD and its components, facts and analysis are in short supply, with "bare conclusions and opinions" the order of the day.

1. The DEIR's conclusion that "the relative size of the proposed project represents a nominal change to the district's setting" is not based on any objective data or other substantial evidence and improperly uses non-contributory buildings to assess impacts on historic resources. The Project is compared with neighboring buildings through the use of extremely vague and subjective terms such as "more massive" (III.B-14), "different ...in terms of style or mass" (III.B-16), and "substantially smaller" (id.). To pass muster under CEQA, the EIR must be revised to provide detailed, quantified data on the sizes of nearby buildings, both contributory and non-contributory. Otherwise, the DEIR's conclusions about impacts on historic resources, such as that "the *relative* size of the proposed project represents a *nominal* change to the district's setting," are exactly the sort of "conclusory statements unsupported by factual information" that do not suffice as legally adequate CEQA analysis. III.B-16 (emphasis added).

Putting aside the DEIR's unsupported conclusions, a careful reading of the facts reveals that the Project would be over two times as large as the McNear building in floor area (perhaps as much as two and a half times bigger, depending on the Project's true area -- see section III-A of this letter, below) and three times the volume. Despite this, the DEIR attempts to downplay its huge size by assessing its impact on the THHD by reference to the non-contributory buildings west of the Project site. These buildings, by their very identification as non-contributory, do not help define the historic character which the THHD was created to protect. Thus, comparison of the Project to them as a means of assessing its impacts on the character of the THHD is completely inappropriate. Moreover, a quantitative comparison of the area and volume of the Project to those of the neighboring non-contributory buildings -- information missing from the EIR -- would show the Project to be much larger than any of the nearby structures. This is intuitively obvious from the fact that the Project would be approximately the same height as the building to its immediate west, rather than stepping down markedly from that building with the hill's natural slope, as was the case with the McNear building. Compare, for example, Fig. 12 (III.B-12) with Fig. 13 (III.B-15).

A-4

To reiterate, in keeping with the clear intent of Article 10, Appendix G, the Project must be assessed by reference to its impacts on the historical resources which the THHD was established to

protect, not its impacts on the non-contributory structures. The size and design of future non-contributory buildings was precisely what the THHD was created to regulate, in order to protect the setting of the District's surviving historical resources. To assess the impact of the Project purportedly by reference to existing *non-conforming* buildings is to make nonsense of the motivation for creating the THHD in the first place. In essence, the DEIR concludes that the Project would not be substantially out of character with the THHD because (it asserts without any quantitative data) it is not that much bigger than the nearby non-contributory buildings. This "analysis" sets a dreadful precedent for the future of every lot in the THHD where fire, landslide, earthquake, or other misfortune may destroy an existing building. If the only question asked about rebuilding on any such lot is whether the proposed new construction is not too much bigger than the biggest non-contributory buildings in the vicinity, then each such lot will likely be overbuilt, and the character of the THHD will be slowly lost, while each individual EIR pronounces each oversized building to have no significant impact on the historical resources of the District.

A-4
CONT.

2. The DEIR's conclusion that the Project "would not irreparably or substantially alter the historic setting as a character-defining feature of the district or the nearby buildings" is not based on any objective analysis of the effects of the huge Project on the historicity of nearby contributory buildings and the THHD generally. The DEIR maintains that building a very large building on a lot formerly the site of a contributory building less than half its size is "insufficient" to affect either the character of the THHD as a whole, the part of it immediately surrounding the Project site, including the Grace Marchant Garden, or the adjacent contributory building it would tower over. III.B-16-17. If that were so, it is extremely difficult to understand what sort of development the DEIR's analysis would find significantly out of character with the District or significantly affecting nearby contributory buildings, gardens, cliffs, and walkways. Carried to its logical extreme, the DEIR's facile "analysis" leads to visions of Anchorage, Alaska, where turn-of-the-century log cabins sit in the shadow of glass-and-steel highrises on adjoining lots, presumably unaffected in their historicity by their newer neighbors. At the risk of belaboring the obvious, in assessing a project's impacts on a designated historic district, the relevant question is the project's compatibility with the historic features that characterize the district, yet the DEIR fails to address this question, offering no quantitative or qualitative comparison of the Project to the adjacent contributory structure (221 Filbert) and any other nearby contributory buildings. As far as the DEIR's crabbed analysis of impacts on the THHD goes, if the Project does not literally destroy the contributory building it would tower above, it could not possibly have an impact on the historicity of that building.

A-5

It is astonishing that the DEIR, in denying that the Project would have any significant impacts on the THHD and its components, entirely omits the express opinion of members of the City's expert board on historic resource protection regarding the compatibility of this very Project with the THHD. The Architectural Review Committee of the Landmarks Preservation Advisory Board ("LPAB") over a year ago recommended denial of a Certificate of Appropriateness to the Project (*i.e.*, found that the Project was not appropriate to the character of the THHD), and further recommended a reduction in mass and area compatible with neighboring buildings to meet the intent of Article 10, Appendix G. Final Minutes of the Landmarks Preservation Advisory Board (11/5/98). The mere fact of the Architectural Review Committee's meeting to consider the Project is mentioned in the DEIR (I-2), but the Committee's unanimous conclusions are nowhere revealed.

A-6

The omission of this critical information from the City's own experts on historic preservation from a DEIR prepared by the City that purports to examine the Project's impacts on historic resources is outrageous, especially given that that this information directly contradicts the

DEIR's unsupported conclusions on this matter. "A prejudicial abuse of discretion occurs if the failure to include relevant information [in an EIR] precludes informed decisionmaking and informed public participation, thereby thwarting the statutory goals of the EIR process." *Kings County Farm Bureau v. City of Hanford*, 221 Cal.App.3d 692, 712 (1990). Unless the final EIR reviews and discusses the views of LPAB's Architectural Review Board on the compatibility of the Project with the THHD and its components, the City will plainly have violated CEQA by its failure to include and address this obviously relevant information.

A-6
CONT.

3. The DEIR seeks to defer to future City processes the analysis of impacts to historic resources that CEQA requires. CEQA does not permit reliance on future studies and analyses as a basis for concluding in an EIR that a project will not have significant environmental impacts. *Sundstrom v. County of Mendocino*, 202 Cal.App.3d 296, 306-09 (1988). But this is exactly what the DEIR here improperly does with its third stated reason for concluding that the Project would not have a significant impact on the THHD: The DEIR concludes that the Project will have no such impact because the Project's impacts on historic resources of the District will be reviewed by the LPAB and the Planning Commission in the future. III.B-17. Putting aside the DEIR's egregious disregard for the readily available opinion of LPAB's Architectural Review Committee on the Project, this "conclusion" is an unlawful reliance on future review to address the significance of Project impacts that the present EIR is required to examine. CEQA mandates that the EIR inform the public and government decisionmakers fully of a proposed project's significant impacts, including impacts on historic resources, at the earliest possible time, before any discretionary approvals are given and before the project gains momentum toward implementation. *City of Antioch v. City of Pittsburg*, 187 Cal.App.3d 1325, 1333 (1986). The LPAB's and Planning Commission's future roles in looking at the compatibility of the Project with the THHD do not excuse full discussion of the Project's impacts on the THHD in the DEIR, as required by CEQA. Indeed, the DEIR should provide fullest possible information on the Project's potentially significant impacts to historic resources of the THHD to inform the future decisions by the LPAB and the Planning Commission.

A-7

4. The DEIR fails to address the cumulative impacts of the Project and other construction and development in the THHD since the District's creation on its historic resources. An EIR must discuss the impacts of the project when considered cumulatively with those of other past, present, and reasonably foreseeable future projects in the area. Pub.Res.C. § 21083(b); Guidelines § 15130. Nowhere does the DEIR identify what other new construction and alteration of existing structures have occurred in the THHD since it was created in 1985, so that the impacts of any such construction on the historic character of the THHD can be considered cumulatively with those posed by the Project. Instead, the DEIR erroneously dismisses any cumulative impacts analysis by reference only to the unlikelihood of future projects in the immediate area because of the present lack of buildable sites. III.B-17. But CEQA requires a cumulative analysis with relevant past projects, and this analysis is particularly important to the assessment of any proposal for new construction in a historic district. Obviously, in creating the THHD in 1985, the City intended to preserve as much as possible the surviving historic character of the designated neighborhood. To do that effectively, the accumulated changes to the District that have occurred since its designation must be carefully identified and their overall effects on the character of the THHD monitored. Without such a cumulative analysis for each significant new construction project within its boundaries, the historic character of the THHD would be lost one lot at a time as fires, geohazards, and insufficiently constrained alterations of existing structures take their toll. The whole point of designating a historic *district* is to preserve the character of an entire area, which can only be done by careful attention to cumulative changes areawide.

A-8

C. Shadow Impacts:

The DEIR improperly understates the Project's shadow impacts on the Grace Marchant Garden and surrounding areas of the THHD. Although the shade maps presented in section III.D of the DEIR provide only limited data regarding the full extent of the shadow impacts that the Project would have on the Grace Marchant Garden and surrounding areas, they do show that at various times the Project would contribute two to three times the shadow that the McNear building did and significantly more shadow than the existing environmental setting of the Project site, a vacant lot. The new shade produced by the Project would fall disproportionately on the garden that Grace Marchant historically tended, as opposed to the more expansive open space area along the Filbert Steps, because of the adjacency of the historic Grace Marchant Garden to the Project site. My clients' comments thoroughly detail the problems with and inconsistencies in the DEIR's shadow analysis. These concerns must be addressed in the final EIR.

A-9

As noted above, Planning Code § 101.1(b), Policy 8 provides "that our parks and open space and their access to sunlight be protected from development." The DEIR fails to address the Project's inconsistency with this policy despite Article 10, Appendix G's underscoring of the importance of open spaces in the THHD generally and of the Grace Marchant Garden in particular to the character of the District.

A-10

Finally, CEQA Guidelines Appendix G(w) states that "A project will normally have a significant effect on the environment if it will: Conflict with established recreational ...uses of the area." The DEIR should discuss the extent to which additional shading by the Project of the Grace Marchant Garden, which it acknowledges will be deleterious to various plants, such as roses, currently grown in the Garden (III.B-11), would conflict with the long-established recreational uses of gardening in the intensively cultivated area and of enjoying the garden by strolling the Filbert Steps.

A-11

D. Visual and Aesthetic Impacts:

The DEIR does not adequately address the Project's visual and aesthetic impacts. "[T]he larger size of the project would make it visually prominent compared to many of the nearby buildings." III.B-16. Given its proposed location, projecting off the top of a ridge at cliff's edge (see Fig. 15, III.C-4), this statement should more accurately state that the Project would be visually prominent compared to *any* of the nearby buildings. Even the limited perspectives afforded by the composite photos in section III.B of the DEIR show that building as a heavy bulk dominating the end of the ridge where it would be built. Rather than stepping down from the existing building above it to the west, it is virtually the same height as that building, which is on a higher lot, and does not step down to the east, contrary to Article 10, Appendix G's admonition that it should slope "downward with the slope of the property" and "relate to the topographical contour of the site." Art. 10, App. G(b), (c)(1)(d). The DEIR should identify these problems as constituting significant visual impacts, in addition to showing the Project not to be consistent with the applicable plan -- Appendix G and the case report it incorporates -- for the preservation of the THHD.

A-12

Further, as my clients point out in their comments, the Project's visual impact is not just from three discrete viewpoints, as the DEIR suggests, but from a wide range of sites in the

A-13

surrounding area. The DEIR's analysis should be revised to discuss the Project's visual impacts from various points in the Grace Marchant Garden proper, the Filbert Steps, and other area walkways. In light of Appendix G's identification of the THHD's cliffs as critical defining features of the District, the DEIR must also include a discussion of the visual impacts that the extensive stabilization measures necessary to build such a large building on the site would have on the cliffs there.

A-14

E. Impacts to City-Held Easements: Because of the great value to the public at large of the Grace Marchant Garden and surrounding open space, in 1986 the City accepted from the Trust for Public Land and agreed to enforce two conservation easements on private properties on which part of the Garden is located. Both easements are expressly intended to protect the Grace Marchant Garden as an important public open space. My clients are submitting copies of these easements as part of their comments. The DEIR makes no mention, in its discussion of land use or elsewhere, of the existence of these easements, acquired to protect the public's perpetual enjoyment of the Garden, nor of the Project's impairment of the value of these easements through its adverse impacts on sunlight and the visual and aesthetic character of the Garden. An adequate analysis of the impacts of the Project must discuss these easements and the adverse effects the Project would entail in impairing the purposes for which they were established.

A-15

F. Geological and Seismic Impacts:

The DEIR improperly relies on future studies and unformulated mitigations to conclude that the geological and seismic risks of building the Project are less than significant. The DEIR acknowledges that the project site is geologically hazardous. It could scarcely avoid that admission, given that the area has seen frighteningly frequent rockfalls during this century, including four since 1967 that were significant enough to warrant specific mention in the DEIR. III.E-1-3. The last of these rendered the McNear building unsafe for habitation and led to its demolition by the City. Article 10, Appendix G governing the THHD also recognizes the significant risks posed by construction on or near the cliffs, requiring a determination by the Planning Commission, in considering applications for Certificates of Appropriateness for such construction, whether it would "endanger[] life, limb, or property." Art. 10, App. G(7)(2).

Despite these admissions of the geologically problematic nature of the Project site, the DEIR nonetheless concludes that the geologic risks of the Project would be less than significant for CEQA purposes. III.E-9. Indeed, even the Initial Study for the Project, prepared before any detailed EIR analysis, concluded there was no potentially significant geological risk from building on this historically troublesome site. VIII-18-19. These conclusions are based on the alleged efficacy of mitigation measures to be formulated by the Department of Building Inspection pursuant to local safety standards, which mitigation measures will not be formulated until final building plans are submitted to the Department. III.E-11. Similarly, geological hazards during the construction phase are also left to future study, and mitigation measures for these are to be formulated based on that review. These hazards, too, are declared less than significant based on the future health and safety plan to be "developed...for this particular project." *Id.* CEQA does not allow an EIR to rely on unformulated mitigation measures as a basis for concluding that otherwise significant impacts of a project have been rendered less than significant. *Sundstrom v. County of Mendocino*, 202 Cal.App.3d 296, 306-09 (1988).

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Further, my clients note in their comments that the second geotechnical study of the Project

site (the Cotton, Shires report) itself called for further study before any conclusion regarding site safety could be reached. Despite the DEIR's characterization of this second study, Cotton, Shires drew no ultimate conclusions as to the appropriateness or safety of the proposed development on the site, but conditioned its recommendations on favorable results of the further analysis it identified as needed. The final EIR must forthrightly acknowledge that the Project does pose significant geological and seismic risks and must analyze those risks and propose measures to mitigate them to less-than-significant levels in the text of the EIR itself, so that the Planning Commission is aware of the degree of the risk entailed and the extent and likely efficacy of the mitigations proposed *before* it gives any approvals to build the Project on the site's difficult terrain.

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CONT.

II. Having failed to identify and analyze various significant impacts that the Project poses, the DEIR also fails to propose feasible means to mitigate those impacts.

CEQA mandates that if there are feasible means of mitigating a project's significant impacts, those mitigations must be adopted before the project can be approved, unless the agency approving the project specifically finds that certain overriding considerations support approval despite the significant impacts. Pub.Res.C. § 21002. To the extent that the DEIR has failed to identify the Project's significant impacts on the historic resources of the THHD, on shading of important open space, on visual and aesthetic resources, and on geological and seismic hazards, as discussed above, it is also deficient in failing to propose feasible measures to eliminate those impacts or reduce them to levels of insignificance. The existing section of the DEIR addressing mitigation measures (Chapter IV), which requires mitigation only of air impacts during construction, is wholly inadequate to address the full range of the Project's potentially significant impacts.

A-17

This brief Chapter is patently wrong in describing the "Geology and Seismicity" measures as "improvement measures" to further ameliorate impacts that are already less than significant, rather than as measures to mitigate significant impacts. IV-2. As the DEIR cannot but acknowledge, the Project site *is* geologically hazardous, so much so that the McNear building had to be razed by the City following damage from a rockfall. Indeed, the DEIR acknowledges elsewhere that the measures recommended by the two geotechnical studies performed on the site are absolutely necessary to reduce otherwise significant geological and seismic risks. III.E-9. The final EIR must candidly identify as essential mitigations of significant impacts any and all actions necessary to render this problematic site safe for building (to the extent that that is even possible).

III. The DEIR fails to describe either the Project itself or its environmental setting accurately and adequately.

A. Inaccurate Project Description: CEQA requires that an EIR contain an "accurate, stable, finite" description of the proposed project. Guidelines § 15124 (Discussion); *County of Inyo v. City of Los Angeles*, 71 Cal.App.3d 185, 199 (1977); *Santiago County Water Dist. v. County of Orange*, 118 Cal.App.3d 818, 830 (1981). All of the other critical CEQA analysis requirements -- identification of adverse impacts, alternatives, and mitigation measures -- are naturally dependent upon an accurate, adequately detailed description of the project under review.

Here, the actual size of the proposed Project is in serious question. Is it approximately 7800 square feet in total floor area, as claimed in the DEIR (II-1), 8400 square feet, as stated by the Project architect's office in response to a neighbor's query in November 1997, or 8500 square

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feet, as concluded by an independent architect who reviewed Project plans for the Telegraph Hill Dwellers? Given that the independent architect concluded that the Project would be 700 square feet, or about 9%, larger than described in the DEIR, the final EIR must give an accurate account of the Project's size, since that information is critical to understanding the extent of its impacts on the historical integrity of the THHD, on the Garden below, and on existing visual resources.

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CONT.

B. Inadequate Description of Project's Environmental Setting: A draft EIR "must include a description of the environment in the vicinity of the project, as it exists before the commencement of the project..." Guidelines § 15125. As my clients have detailed, the DEIR does not adequately distinguish the unified and intensively cultivated area near the project that was historically gardened by Grace Marchant from the larger open space along the Filbert right-of-way from Darrell Place east past Napier Lane. III.F-1. While the term "Grace Marchant Garden" is sometimes applied to this entire area, the historic Marchant Garden is a much smaller area immediately adjacent to the Project site and partially within the actual lot of that site. In failing to identify clearly the historic Grace Marchant Garden, the DEIR improperly minimizes the Project's shading and visual impacts on the Garden by making these appear to affect a much smaller portion of a larger garden than is actually the case. The final EIR must make clear that the historic Grace Marchant Garden is the so-called "maintained central portion of garden" portrayed in Figure 40 (III.F-5) and should highlight that area in the discussions of shadow and visual impacts.

A-19

A further problem with the DEIR's treatment of the Project's environmental setting is its persistent reliance on comparisons of the Project's impacts to those of the previously existing structure (the McNear building) as providing a standard for judging the significance of the Project's impacts. CEQA does not contemplate any such approach but requires that a project's impacts be assessed by reference to the environment "as it *exists* before the commencement of the project." Guidelines § 15125 (emphasis added). While comparisons to the McNear building are not inappropriate to offer the EIR reviewer some perspective on the proposed Project versus what once occupied the site (indeed, such comparisons carefully examined demonstrate just how out-of-scale the proposal truly is to the historic district), these simply are not suitable criteria under CEQA to assess the extent of the Project's impacts. The EIR must concern itself with the Project's impacts on "existing physical conditions" in the "actual environment upon which the proposal will operate." *Environmental Planning and Information Council v. County of El Dorado*, 131 Cal.App.3d 350, 354 (1982). Judging the impacts of the Project on the existing environment of the surrounding area by reference to the vanished McNear Building is rather like judging the impacts of new construction that would shade Justin Herman Plaza by reference to the Embarcadero Freeway. Further, the inappropriateness of the use of comparisons to the impacts of the McNear building to those of the Project in assessing the significance of the latter is exacerbated by the EIR's misportrayal of the McNear building as larger and more imposing than it in fact was. Details of the latter problem are presented in my clients' comments.

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IV. The DEIR fails to formulate and compare to the Project in detail an adequate range of feasible, environmentally superior alternatives to the Project.

CEQA and its implementing Guidelines expressly require agencies to consider in EIRs a "range of reasonable alternatives" to a proposed project and to "evaluate [their] comparative merits." Guidelines § 15126(d); Pub.Res.C. § 21100. The alternatives to be examined are ones that "would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project." Guidelines § 15126(d). The

alternatives discussion is to focus on alternatives "capable of avoiding or substantially lessening any significant effects of the project, *even if these alternatives would impede to some degree the attainment of project objectives, or would be more costly.*" *Id.*, § 15126(d)(1) (emphasis added). "The EIR shall include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project." *Id.*, § 15126(d)(3).

The DEIR's cursory two-page discussion of alternatives fails completely to meet these clear standards. VI-1-2. The No Project Alternative is very hastily described. VI-1. Curiously, despite the fact that the City has pronounced that the Project site has been adequately stabilized from a geohazard standpoint since the 1992 rockfall, the DEIR claims that the No Project Alternative would be inferior to the Project from a geological standpoint because it would not provide the additional slope stabilizations that would be necessary to impose the huge Project building on the site. This is a *non sequitur*, since the City has determined that no such measures are necessary for the unbuilt site.

Alternative B, the only other alternative proposed, is a phony alternative, proposed only to be rejected, since it does not include the parking required by the current Planning Code. VI-1-2. As previously noted, valid CEQA alternatives are to be both reasonable and feasible. To propose an alternative that does not comply with City codes and then reject it on that basis, as the DEIR does, makes plain its unreasonableness and infeasibility.

The second reason for rejecting an alternative that replicates the size and contours of the former McNear building -- that it would not "provide economically viable home-ownership opportunities" -- is untenable. There is absolutely no evidence in the DEIR to support the Project sponsor's self-serving "belief" that a smaller project would not be economically viable in this extremely desirable and expensive area of San Francisco real estate. Further, the suggestion that it is the sponsor, and not the Planning Commission, that is to determine the feasibility of an alternative is entirely incorrect. As the CEQA Guidelines quoted above make clear, alternatives that "would impede to some degree the attainment of project objectives" or be more costly must nonetheless be considered if they are environmentally superior to the project as proposed. Clearly, the Project sponsor is free to pursue its obvious goal of receiving the highest possible return for its speculation in this property, but it is the City's responsibility under CEQA to formulate and objectively consider environmentally superior alternatives to the sponsor's proposal, even if these would not meet all of the sponsor's goals, including a desire for a maximum return on its investment. *Laurel Heights Improvement Ass'n v. Regents of the University of California*, 47 Cal.3d 376, 406 (1988). (It is worth noting here that my clients in 1997 offered the Project sponsors their purchase price for the Project lot of \$160,000, plus an additional \$90,000 in estimated expenses to that time, for a total of \$250,000, in order to acquire the lot to protect the THHD and the Grace Marchant Garden. The Project sponsors countered that offer, intended to keep them whole, with an offer to sell the lot for \$850,000 plus expenses.)

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Although the burden to formulate alternatives rests with the City, not with the public, when the public does propose a reasonable and feasible alternative that is environmentally superior to the project and distinct from the alternatives considered in the EIR, the agency has a duty to evaluate that alternative. "One of [an EIR's] major functions...is to ensure that *all reasonable alternatives* to proposed projects are thoroughly assessed by the responsible official." *Citizens of Goleta Valley v. Board of Supervisors*, 52 Cal.3d 553, 565 (1990) (brackets, deletion, and emphasis in original). Here, other than the No Project Alternative, no feasible, environmentally superior alternatives have been examined at all.

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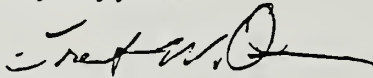
In their comments, my clients suggest two such alternatives: (1) a building that is the same size as the McNear McNear building but includes parking and (2) a smaller building that conforms rigorously to the standards set forth in Article 10, Appendix G (taking those standards as a starting point, rather than trying to stretch them to the breaking point, as the DEIR does, to support a dubious claim that a building far larger than any in the immediate vicinity somehow fits them). Both alternatives are environmentally superior to the outsized Project and both are feasible, even if they would not meet the sponsor's objective to maximize its profits. In order to pass legal muster under CEQA, the final EIR must examine these two alternatives in sufficient detail to allow their environmental merits to be compared meaningfully with those of the Project.

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CONT.

Conclusion

In conclusion, the 22 -30 Alta Street DEIR should be amended and expanded in all of the respects discussed above both to meet the mandatory public informational requirements of CEQA and to ensure that the Project, if approved in any form, has the fewest possible negative impacts on the Grace Marchant Garden, surrounding areas of the THHD, and the District as a whole. Thank you for your attention to these comments. If you have any questions or would like to discuss any of the matters contained herein, please do not hesitate to contact me at the number given above.

Very truly yours,



Trent W. Orr
Attorney for Telegraph Hill Dwellers,
Alta/Filbert Preservation Association,
and Friends of the Garden

cc: Members of the Planning Commission

LETTER A – TRENT ORR, ATTORNEY AT LAW

- A-1) The *San Francisco General Plan* contains many policies, which may address different goals. The EIR provides a discussion of *General Plan* policies by identifying individual objectives and policies relevant to the proposal. The DEIR has not identified any obvious or substantial conflicts with the *General Plan*. However, conflict with a *General Plan* policy would not, in itself, constitute a *physical* effect on the environment, which is why the DEIR states that “potential conflicts with the *General Plan* are considered by the decisions-makers (normally the Planning Commission) independently of the environmental review process.” Rather, it is the potential *physical* effects of a project that are properly analyzed in an EIR (CEQA Guidelines section 15358(b) states: “Effects analyzed under CEQA must be related to a physical change.”) The DEIR for the proposed 22-30 Alta Street project adequately analyzes these potential physical effects on the environment, including any physical effects that may result in any conflict with one or more particular policies in the *General Plan*. The Planning Commission, in deciding whether to approve the Certificate of Appropriateness and approve the proposed project, must decide whether, on balance, the project is consistent with the *General Plan*.

Regarding the San Francisco Planning Code, including Section 101.1 (Proposition M Priority Policies) and Article 10, including Appendix G (Telegraph Hill Historic District), compliance with the adopted zoning ordinance (Planning Code) is properly evaluated separately from a project’s physical environmental effects. Evaluation of a project’s potential physical effects on the environment, as is analyzed in an EIR, is judged against a series of significance criteria that, in most cases, are at least partially independent of applicable zoning law. An EIR is prepared to provide the public and decision-makers with information concerning project effects on the environment in a broad array of areas of potential concern. It is not intended to establish compliance, or the lack thereof, with applicable zoning law, which is properly the job of separate case report(s) that, in this instance, will address compliance with Planning Code Section 101.1 and Article 10 (for the application for a Certificate of Appropriateness), as well as other Code sections applicable to use, height and bulk, parking, and other matters of purview under the Code.

CEQA Appendix G refers to conflicts with “environmental plans.” Environmental plans and policies are those, such as the *Bay Area Air Quality Plan*, that directly address physical environmental issues and/or contain targets or standards that must be met in order to preserve or improve characteristics of the City’s physical environment. The current proposed project would not obviously or substantially conflict with any such adopted environmental plan or policy. Furthermore, as with the *San Francisco General Plan*, a conflict with an adopted environmental plan, in itself, would not result in a significant effect on the environment within the meaning of CEQA, unless an adverse physical impact were to result.

- A-2) The DEIR assesses the project’s potential impacts on historic architectural resources (in this case, the Telegraph Hill Historic District) based on an evaluation of whether the *historical*

significance of the district would be impaired. In general, such an analysis under CEQA is similar to, but more broadly focused, than the Planning Commission's evaluation of an application for a Certificate of Appropriateness under Planning Code Article 10. This is because (as stated in Response A-1), an EIR is written to provide the public and decision-makers with information concerning project effects on the environment in a broad array of areas of potential concern, and not to judge compliance with applicable zoning law.

The findings regarding a Certificate of Appropriateness application are subject to consistency with the *General Plan* and Planning Code Section 101.1 (Proposition M Priority Policies), while an EIR's evaluation of significant impacts on the environment, including those on historic architectural resources, is made independent of the *General Plan* and Planning Code, including the Priority Policies. That is, the Certificate of Appropriateness report and motion for the Planning Commission's approval or denial of the certificate may include information beyond that presented in support of the EIR's determination regarding significant physical effects on the environment. This point is stated as part of the significance criteria of the Historic Architectural Resources section on page III.B-13 of the DEIR: "The guidelines for evaluation of an application for a Certificate of Appropriateness are specific to that process and *not directly comparable to CEQA significance criteria.*" Alternatively stated, the Certificate of Appropriateness process is a project-specific assessment as to whether the proposed project is appropriate for the district. The CEQA finding of significance is based on a consideration as to whether the historic architectural resource (in this case, the historic district as a whole), would have its integrity substantially impaired by implementation of the proposed project.

Further, the motion to approve or deny the Certificate of Appropriateness and other applications in connection with the project may include policy considerations beyond the scope of the EIR, such as economic, social and other considerations. The EIR provides adequate information on the project's potential *physical* effects to inform decision-makers in advance of all required approval actions, including action on the application for a Certificate of Appropriateness.

For informational purposes, the guidelines established by Article 10, Appendix G, were provided on pages III.B-6 and III.B-7 of the DEIR. Although the Case Report for the Telegraph Hill Historic District did not offer design guidelines for development within the district, the Code (Article 10) guidelines include, as a subset, style guidelines that are listed in section 7(c)(1)(a-g). While the Case Report, and, by reference, the Code, included post-1935 International Style and Moderne structures as Contributors to the district, the Code's guidelines list features that are primarily applicable to pre-1906 structures. As such, there is a disparity between what the Case Report and Code identified as important elements of the district (certain buildings built between 1852 and 1941) and what the Code's style guidelines identified as architectural characteristics that the district should reinforce (primarily those of pre-1906 buildings). This internal contradiction is also indirectly acknowledged in section 7(c)(1)(e), where the use of wood siding is encouraged, but masonry is also noted as appropriate where there is a concentration of Moderne or International Style structures.

To further demonstrate this point, the following table, which states whether or not the style characteristic identified in each guideline is typical for each of the three historical periods represented in the district, is provided:

Style Guideline (Section 7(c)(1))	Typical of Settlement Period (1852-1869)	Typical of Middle Period (1870-1934)	Typical of Modern (1935-1941)
(a) Bay windows and porticos are not characteristic of the District and are discouraged	No	some	yes
(b) Porches and balconies are characteristic design features of the District and are encouraged	Yes	yes	no
(c) Gable roof forms are encouraged	Yes	yes, but false fronts are also typical	no
(d) The mass of new buildings should relate to the topographical contour of the site,	No	yes	yes and no
(d) and be compatible with adjacent buildings	Yes	no, these buildings were larger	no
(e) Horizontal rustic wood siding is the traditional building material in the District, and its use is encouraged over other surfacing materials, including wood shingles.	Yes	Yes	no
(e) Masonry surfaces may be appropriate in subareas with a concentration of Art Moderne or International Style building.	No	no	yes
(f) Fenestration should be proportionate and in scale with traditional patterns within the district. Wooden sash is encouraged over aluminum or other metal sash.	Yes	yes	no
(g) Detailing should relate to the simple, straight forward traditional vernacular forms found in the District.	Yes	No -Italianate detailing was more elaborate	no

It is clear that the style guidelines do not reinforce the type of development that was previously on the project site (the McNear building) even though that structure was recognized in both the Case Report and the Code as Contributory to the historic district. In fact, if an exact replica of the McNear building were to be built on the project site today, certain elements of it would not be in conformance with the style guidelines. In light of the above, the third sentence of the third paragraph on page III.B-16 of the Draft EIR that states that the project “would, for the most part, be in conformance with the style guidelines...” is replaced with the following:

The project would not strictly adhere to these style guidelines. However, both the Case Report for the Telegraph Hill Historic District and the Planning Code: identify the Modern period as part of the district's period of significance; include Modern buildings as contributory elements to the district; and encourage "construction in a contemporary idiom." Thus, although the Code's specific style guidelines do not reinforce Modern elements, the project would conform with the general standards regarding contemporary buildings of the Telegraph Hill Historic District as described because of its Moderne detailing, cement plaster finish, and series of terraces.

Although the EIR is revised with regard to the style guidelines in Article 10, this change does not affect the DEIR's conclusions concerning the project's physical effects on the Telegraph Hill Historic District; as stated above, the EIR analysis is separate from the analysis for the Certificate of Appropriateness.

Further, as noted above, style is only one component of the Article 10, Appendix G guidelines. As stated on page III.B-17 of the DEIR, "The proposed design would be in conformance with most of the guidelines included in Article 10." The DEIR addresses each of the other guidelines applicable to the project as follows: character (pages III.B-14-16), height (page III.B-14), landscaping (sections III.D and III.F), and wooden walkways and steps (sections III.C and III.D).

- A-3) Regarding the impacts on the Telegraph Hill Historic District, the EIR does not confine its discussion to historic architecture while neglecting analysis of the Grace Marchant Garden and the cliffs within the district. In fact, page III.B-3 notes that the Planning Code and Telegraph Hill Historic District Case Report recognize the importance of the non-architectural elements of the District. Page III.B-16 states that "the project would have the potential to affect non-architectural components of the historic district, including the Grace Marchant Garden, Filbert Steps, and a cliff face," and then refers the reader to the sections of the document that address these issues, particularly as they pertain to the Garden.

The Filbert Street right-of-way is acknowledged on pages I-1, I-3, II-1, and III.B-3 (amongst others) as including both the Filbert Steps and Grace Marchant Garden. Analysis of potential impacts to the Garden is provided regarding its recreational use (Section III.A), visual impacts (Section III.C), shading (Section III.D), and biology (Section III.E).

The importance of and potential impacts on the Filbert Steps is discussed in the Historic Architectural Resources section (pages III.B-3 and III.B-16). Visual Quality impacts on the Steps are addressed on page III.C-11, which includes the analysis of a photosimulation taken from the perspective of the Filbert Steps. Shadow impacts on the Steps are discussed on page III.D-20.

Potential geological impacts to the cliffs are discussed in Section III.E. Page III.C-2 discusses an existing view of a cliff face, but for the purposes of clarification, the following inserts are added regarding the potential for visual impacts to the cliffs as a result of slope stabilization measures included as part of the proposed project:

Page III.C-10, second to last paragraph, as a new last sentence:

From this view, slope stabilization elements including gabion wire netting (typically a mesh secured by anchors) could be visible in the northeast corner of the site. The metallic wire and anchors would be most obvious when newly installed but would likely fade into the hillside as vegetation grows through the netting and the netting discolors from exposure to weather. The stabilization elements would not alter the steep contours cited in Article 10, Appendix G, as an “aesthetically important component” of the district, which “produce dramatic and unique vistas.” Nor would the stabilization measures convert the “natural” cliff face to a “built” feature, particularly over time as vegetation and weathering reduce the visibility of the added elements.

Page III.C-11, new paragraph following first paragraph:

Slope stabilization elements would likely not be visible from this vantage considering that most of the slope improvements would be installed on the sheer east slope. Further east on the Filbert Steps, however, gabion wire netting, rockbolting, and gunite slope treatment would possibly be observed on the slope below the northeast corner of the building and the east-facing slope of the site. The rockbolt assemblies could appear metallic when newly installed but would likely discolor with and/or become obscured by vegetative growth. Similarly, the gunite, if applied in earth-tone hues, would blend with natural colors of the slope, rendering it less visible.

Page III.C-11, third paragraph, as a new last sentence:

Slope stabilization elements would not be visible from this vantage point because the sheer east slope is hidden below the level of the street and behind the existing retaining wall.

Having evaluated the proposed project in terms of effects related to the size of the proposed building and its proposed architectural style and finishes (larger than nearby Contributory buildings, but in a Moderne style, including a cement plaster exterior finish, that is not out of character with newer Contributory buildings); visual effects (the building would be clearly visible but would not substantially obstruct publicly accessible scenic views, nor would it be of such a scale as to visually alter the overall district); shading of the Grace Marchant Garden (shadows would increase, although for a relatively brief period, and the effects would be confined to a relatively small area at any given time); and effects on the cliffs (stabilization measures would be visible but would not fundamentally alter the appearance of the “natural” cliff face), the EIR concludes that effects on the Telegraph Hill Historic District, including individual components, would not be significant, for the reasons summarized here.

- A-4) The DEIR does not make the conclusion that the project would not be substantially out of character with the district because it is not much bigger than the nearby non-contributory

buildings. The DEIR says on page III.B-14 that the project “would not be incompatible with adjacent construction,” referring to non-contributory buildings, but does not then use this information as the basis for concluding there would be no significant impact. In fact, on page III.B-16, the DEIR states in reference to the 13 Contributory buildings within 100 feet of the project site, that “all of these structures are substantially smaller in terms of overall mass and floor area than is the proposed project.” Thus, full recognition is given to the relative size of the project to nearby contributory buildings. For informational purposes, the following additional information regarding the relative size of the project to nearby structures is added after the third paragraph on page III.B-16:

More specifically, there are eight Contributory buildings located on Alta Street or adjacent to the project site. Adjacent to the project site on its northwest edge is a two-story cottage at 221 Filbert Street, approximately 1,100 sq.ft. in size. The one Contributory building on the north side of Alta Street is 60-62 Alta, which is a three-story structure of approximately 2,300 sq. ft. The other six buildings on the south side of Alta Street include four Italianate and two Greek Revival structures of two to three stories that range from 1,050 sq.ft. to more than 2,000 sq.ft.

Nevertheless, the EIR concludes that, on balance, the introduction of a single building, while larger than nearby Contributory structures, would not be significant, particularly in light of the project’s stylistic references to the more modern Contributory buildings, including the former Contributory building on the site.

It is possible to theorize, as the commenter does, that a series of such incremental changes would one day result in a significant (cumulative) adverse effect on the Telegraph Hill Historic District. It does not, however, follow that the current project would make a considerable contribution to a future, speculative, and uncertain cumulative effect.

- A-5) The conclusion that the project would not substantially alter the character-defining features of the historic district is based on a combination of factors. The project is an infill development in a residential district and is subject to all the limitations therein, including in this case, a 40 foot height limit, residential dwelling density of three units per lot (or 1 per 1,000 square feet of lot area with conditional use approval) and applicable rear yard requirements. In this situation, the rear yard requirement is that 45% of the lot from the rear forward remain as undeveloped open space (with limited encroachments). The project would represent one structure in a historic district of approximately 80 buildings. It would be subject to the Certificate of Appropriateness findings of the Planning Code that stipulate that it *cannot* be approved unless the decision making body, the Planning Department and/or Planning Commission, acting with the advice of the Landmarks Preservation Advisory Board (LPAB), finds the project consistent with the standards of the district. A Certificate of Appropriateness approval is appealable to the Board of Supervisors who would be similarly bound by the approval criteria established in the Planning Code.

The commenter suggests that the relevant determination in this case is the "... project's compatibility with the historic features that characterize the district." It is important to note here a critical distinction between the requisite findings of the EIR versus the determinations required for the approval of a Certificate of Appropriateness under the Planning Code. The critical determination with respect to the Certificate of Appropriateness is compatibility of the project with the District. The critical decision with respect to CEQA for the project is whether approval of the proposal would substantially impact the historic resource. As noted on page III.B-13 of the EIR, the historic resource in this instance is the historic district which is a "list of properties officially designated or recognized as historically significant..." by a local government. The CEQA Guidelines define a significant impact upon a historical resource at § 15064.5(b) as follows:

(1) Substantial adverse change in the significance of an historical resource means physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that *the significance of an historical resource would be materially impaired*. (emphasis added)

(2) The significance of an historical resource is materially impaired when a project:

(A) Demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that *justify its inclusion in, or eligibility for, inclusion in the California Register of Historical Resources*; or (emphasis added)

(B) Demolishes or materially alters in an adverse manner those physical characteristics that *account for its inclusion in a local register of historical resources pursuant to section 5020.1(k) of the Public Resources Code ...*; or (emphasis added)

(C) Demolishes or materially alters in an adverse manner those physical characteristics of a historical resource that convey its historical significance and that *justify its eligibility for inclusion in the California Register of Historical Resources ...* (emphasis added)

Subsection (B) of § 15064.5(b)(2) is the applicable citation here. But the broader language of the section is also provided to show that CEQA envisions a significant impact upon the historic resource as one that removes or effectively invalidates those characteristics that establish the resource as significant. Given that historic districts typically contain a mix of both Contributory and non-Contributory structures, it is clear that the presence of a non-Contributory structure does not, in itself, undermine the integrity of such districts. In the case of new infill structures subject to the Certificate of Appropriateness process and to existing zoning controls, it is further unlikely that such a structure could, in itself, undermine the integrity of the district such that it would no longer warrant inclusion in Article 10 as a historic district, which is the CEQA standard of significance as shown in the language above.

Thus, it is the above-referenced combination of factors that supports the conclusion that this individual development would not substantially impact the historic district. Nonetheless, as noted, the Planning Department, Planning Commission and/or Board of Supervisors (on appeal) may deny the application as inappropriate or inconsistent with the historic district. It should be noted that the majority of LPAB recommendations for disapproval, and Planning Commission actions disapproving Certificates of Appropriateness involve projects which have been deemed exempt from environmental review or which were the subject of Negative Declarations, an environmental document which, by definition, finds that a project has no potentially significant environmental effects.

The EIR does not rely on future studies as a basis for its conclusions in violation of the *Sundstrom* ruling as suggested by the commenter. The EIR simply and appropriately identifies existing regulations that restrict the scope of the project. For example, the 40 foot height limit and residential zoning both preclude developments inconsistent with these standards. These regulations would, for example, preclude the possibility of a massively disproportionate development occurring at the site such as the steel high-rise construction suggested by the commenter. Similarly, the Certificate of Appropriateness findings require a determination by decision-making bodies that the ultimate permit be consistent with the historic district Guidelines, as discussed above.

- A-6) Because, as explained above in the response to Comment A-2, an EIR's evaluation of significant impacts on the environment, including those on historic architectural resources, is made independently of the *General Plan* and Planning Code, the decision of the Architectural Review Committee of the LPAB is not essential for a CEQA analysis. However, for informational purposes, the following is added before the last sentence of the last paragraph on page I-2:

At that hearing, the Architectural Review Committee made the following recommendations to the project sponsor:

- The project in its current design would be denied a Certificate of Appropriateness if it were to return to the full Board.
- Clarify issues of shadow impact on the Grace Marchant Garden.
- Reduce the mass and size in order to be compatible visually/aesthetically with neighboring buildings. A smaller building is recommended.
- The building should be cottage style to meet the intent of Article 10.
- Return to the Planning Department staff with future design proposals.

- A-7) The Landmarks Preservation Advisory Board's (LPAB) role, and that of the LPAB's Architectural Review Committee, is advisory to the Planning Department and/or Planning Commission, which makes the decision regarding approval of the Certificate of Appropriateness. The Certificate of Appropriateness review by the LPAB is provided in the DEIR as *part* of the

conclusion that the project would not have a *significant* impact of historic resources and as one of a number of ameliorating components to the project. The DEIR does not conclude that because the project would be subject to the Certificate of Appropriateness review that there would be no impact, only that along with other factors, it would not result in a significant impact. Therefore, the project is not relying on future analysis by the LPAB as a basis for concluding the project would not result in a significant impact.

The “reliance on future studies” argument cited by the commenter is irrelevant in the present instance as stated in the response to Comment A-2. The decision on a Certificate of Appropriateness application is made by the Planning Commission or Planning Department much like any adjudicatory decision as to project compliance with height limits, use restrictions, and the like. The DEIR on p. III.B-17 is merely stating that because the project must be granted a Certificate of Appropriateness in order to be approved, the project therefore must be found by the Planning Commission to be in compliance with Appendix G of Article 10 of the Planning Code. If this finding is not made, the project cannot be approved.

- A-8) The commenter is correct in stating that the impacts of the project must be considered cumulatively with past, present and future projects. As such, past and present projects are part of the existing baseline as described in the setting sections of the DEIR. Further, since the adoption of the Telegraph Hill Historic District in 1985, two Contributory structures have been demolished or altered such that their Contributory status was lost. The construction of the proposed project (which does not involve the alteration or demolition a Contributory structure), when considered in the context of the loss of those two Contributory structures, cannot be considered a significant cumulative impact. As one site in a district containing more than 40 Contributory structures and about 80 structures overall, construction on this site does not represent a substantial change to the district or its collection of Contributory structures.
- A-9) The comment is suggesting that by defining the Grace Marchant Garden (Garden) too broadly, the DEIR has underestimated the effects of shadow that would be cast by the proposed project. However, the Garden is today arguably broader than the area tended by its namesake. Because there is no defined boundary for the Garden, a determination of the boundary for the purposes of the DEIR was based in large part on the graphic of the Garden shown on the Telegraph Hill Dwellers’ website at the time the DEIR was prepared. Ultimately, the boundaries of the Garden were not limited to the area solely tended by Grace Marchant herself, but defined as the area that physically and visually functions as the Garden. This determination was made by a plant ecologist based on field visits.

The DEIR identifies two distinct portions of the Garden (eastern and western) as described on page III.F-1. This page also makes the distinction that the eastern portion of the Garden is the “most intensively maintained, colorful, and visual center.” Figure 40 on page III.F-5 depicts the boundaries of this area. The western portion of the Garden was included in the definition because it visually appears as part of the Garden and an artificial line would have had to be drawn to exclude it. The decision to include this part of the Garden was also based on the effort to be conservatively inclusive by broadening the area that could be affected. The area of the Garden

defined as such was used for analysis of shadow, visual, biological, and historic architectural resources.

- A-10) Although the Grace Marchant Garden (and Filbert Street right-of-way in which much of it is located) is not a public open space operated by the Recreation and Parks Department (and thus not subject to Planning Code Section 295's shading restrictions), the DEIR provides a complete analysis of potential shadow impacts because of the importance of the Garden as a public resource and component of the Telegraph Hill Historic District. The DEIR's shadow analysis concluded that there would not be a significant shadowing effect on these open spaces or any other resource. As stated in the response to Comment A-1, the case report (s) for the Planning Commission's consideration will discuss consistency with the Proposition M Priority Policies, including Policy 8. It will be for the Planning Commission to determine consistency with the Priority Policies. It should be noted, however, that the General Plan and Priority Policies are not generally interpreted so as to preclude any new shadow on non-Section 295 open spaces. In an urban environment such as San Francisco, such a standard would preclude most new construction.

Please see also the response to Comment B-36 concerning shading effects.

- A-11) Page III.A-2 (Land Use) of the DEIR addresses the potential for impacts related to the recreational use of the Filbert Street right-of-way, including the Grace Marchant Garden and Filbert Steps.
- A-12) The project would be visually prominent, would be located atop a cliff, and would be larger than adjacent and nearby buildings. However, as a residential project in compliance with local zoning, built on an infill lot, and sharing characteristics typical of hillside development, the impact of the project would not be a substantial demonstrable negative aesthetic effect nor would it substantially obstruct or degrade scenic views.
- A-13) The three perspectives from which the photosimulations were conducted were chosen as representative views of the project site and were not intended to literally depict all possible views. The three views (long, medium, and short-range) were intended to both communicate to the reader what the project would look like and to facilitate the analysis of the proposed project's potential for impacts on the historic district. Additional simulations from other viewpoints, such as in the Garden, on Napier Lane, other points on Alta Street, or from much farther afield (the Embarcadero or the Bay), would not further the accomplishment of either of these purposes. The same would be true for additional discussion about views from such perspectives.

Further, although the DEIR does not list all of the vantage points from which the site can be seen from the middle range view, it does acknowledge that the site is visible from a variety of perspectives by stating on page III.C-2 that from just east of Napier Lane to just east of Darrell Place, "views of varying breadth and clarity are available to pedestrians moving along the Steps." The DEIR clearly acknowledges that the site and the Garden can be viewed together by stating in this same paragraph, regarding the view used for the photosimulation, "From this viewpoint, the Garden is visible in the foreground."

A-14) Please see the response to Comment A-3.

A-15) The Land Use section (Page III.A-2) makes specific mention of the city-held easements, which cover most of the two lots adjacent to the project site on the west (with the exception of the existing buildings). The Visual Quality (III.C) and Shadow (III.D) sections thoroughly address the potential for aesthetic and shading impacts, respectively, on the Grace Marchant Garden.

A-16) The EIR properly identifies geotechnical hazards at the site as noted by the commenter. However, the EIR does not rely on unspecified mitigation measures to be formulated in the future. Rather, it identifies the established procedures for the Department of Building Inspection (DBI) to maintain oversight of construction, including stipulated Building Code requirements for construction depending on site-specific circumstances as described below. Further, the EIR identifies the specific measures that have been recommended for inclusion in the project by the geotechnical experts preparing these preliminary geotechnical reports, and agreed to by the sponsor. The commenter also refers to the "second geotechnical study," prepared by Cotton, Shires and Associates. It should be noted that this is a "peer review" study voluntarily initiated at the request of the sponsor. The sponsor has also agreed to incorporate recommendations of the Cotton, Shires and Associates report in any final soils report prepared for an approved project and subsequent building plans. The sponsor has also agreed to develop a health and safety plan for construction and specific elements of this plan are described in the EIR on page IV-2.

The description of the measures identified in the preliminary soils reports provide disclosure of the types of measures expected to be employed in the construction program. The final measures implemented for the project would reflect the final approved project design and accompanying reports prepared for that design overseen by DBI. *The DBI would be responsible for reviewing final building plans for compliance with structural design integrity and engineering safety issues.* It is important to note that final soils reports refer to final approved building plans. Changes frequently occur in proposed building plans that are subject to special authorizations, such as the Certificate of Appropriateness in this instance. Indeed, it is clear from the comments received that commenters desire such an outcome. Any final soils report would need to address changes in the project design. Such final plans are not normally known at the time the environmental review process is completed. Again, as noted, the DBI would have available the recommendations of both of the preliminary soils reports prepared for the proposed project as well as any additional information and/or site specific soils report(s) that it might require in conjunction with the permit application, as needed.

The requirement for the Planning Commission to consider whether construction would endanger life, limb or property applies to areas that lie within "... cliff areas of the District..." shall be subject to the specific geotechnical studies and Commission findings cited in the Telegraph Hill District Ordinance. The sponsor has had such reports prepared, as described in detail, that are available to the Planning Commission as well as the DBI.

A-17) The DEIR found no significant impacts and therefore provided no mitigation measures other than those related to air quality originally identified in the Initial Study. As explained above, the

DEIR is not deficient in identifying no significant impacts; in each case, the analysis justifies the conclusion. Improvement measures related to biology and geology and seismicity were also included in the DEIR for less than significant impacts. It should be noted however, that measures that are required by legislation are not identified as “mitigation measures” under CEQA. Nonetheless, they are mitigative of impacts. The underlying “mitigation” of potential geologic impacts are the requirements of the Building Code and other regulatory statutes as noted, complemented by the DBI.

The measures identified as “Improvement Measures” are provided for informational purposes as actions that are ameliorative of geotechnical effects. They are not listed as mitigations because the mitigation is established through the Building Code review process, as noted.

- A-18) The square footage figures included in the DEIR were based on information provided by the project architect. Subsequently, the project architect has indicated that the figures included in the DEIR were in terms of “saleable” square footage (a real estate-related term), and do not represent either “gross floor area” or “occupied floor area,” which are the terms used in the Planning Code. This was the case because information on the square footage of other buildings in the neighborhood (used by the project architect in making comparisons between the proposed project and other nearby development) is taken from the San Francisco Assessor’s Office, which typically provides square footages based on those used by real estate appraisers, not the Planning Code definitions.

Regardless of the precise calculation of the proposed project’s size, these discrepancies do not alter the conclusions of the EIR, which are based in part (in the case of analysis of shadow, visual impacts, and effects on the historic district) on physical dimensions such as height and width. The conclusions were not based on building square footage, precisely because of the variability of different measures of square footage. For clarification, the following revisions are made to the DEIR (new language is underlined; deleted language is indicated with ~~strikethrough~~):

On page II-1, the second paragraph is revised as follows:

The project would construct a six level, three-unit residential condominium structure. The building would include approximately ~~5,575~~ 5,900 square feet (sq. ft.) of living space ~~occupiable floor area~~, or about approximately ~~1,860~~ 1,950 sq. ft. per unit. Parking and circulation space, including the lobby, would total about ~~2,240~~ 2,200 sq. ft., for a total of about ~~7,815~~ 8,100 sq. ft. Each unit would be on two levels and would have a distinct floor plan from the other units. Each unit would have two bedrooms and two would have two bathrooms, while one would have three bathrooms.

A similar change is made to the second paragraph on p. I-1, in the Summary:

The project would construct a six level, three-unit residential condominium structure. The building would include approximately ~~5,575~~ 5,900 square feet

(sq. ft.) of living space ~~occupiable floor area~~, or about approximately ~~1,860~~ 1,950 sq. ft. per unit. Parking and circulation space, including the lobby, would total about ~~2,240~~ 2,200 sq. ft., for a total of about ~~7,815~~ 8,100 sq. ft. The proposed building would cover about 36 percent of the lot.

On page II-10, the following revisions are made to Table 1:

TABLE 1
PROJECT CHARACTERISTICS

Site zoning	RH-3, House-Three-Family
Height limit / Bulk limit	40 feet / none
Proposed / Previous use	Residential Units
Proposed height (each elevation)	32 feet (south), ^a 73 feet (north), and 82 feet (east)
Levels	Six
Setbacks	East = 17-22 feet, north = 51 feet, west and south = 0.
Parking spaces	Five
Site area	7,500 square feet
Floor area ^b	5,575 <u>occupiable</u> <u>6,900</u> square feet
Number of units	Three
<u>Living area</u> ^c	<u>5,900 square feet</u>
Average unit size	1,860 <u>1,950</u> square feet
Total building area ^{c,d}	7,815 <u>8,100</u> total square feet
Lot coverage	36 percent

^a As measured according to the Planning Code.

^b Floor Area, in ~~gross occupied~~ square feet, per Planning Code Sec. 102.10 (excludes parking but includes approximately 1,050 sq. ft. of interior common area and common stairs).

^c Excluding common areas.

^d Including approximately ~~2,240~~ 1,200 square feet of parking, but excluding exterior building walls. Including exterior wall thickness, gross floor area (per Planning Code Sec. 102.9) would be approximately 8,550 square feet.

The first sentence of the fifth full paragraph on p. III.B-14 is revised as follows (new language is underlined; deleted language is indicated with ~~strikethrough~~):

The overall effect of the proposed project would be an increase in height of approximately one story, width of approximately 10 feet (one foot along Alta Street), and ~~4,465~~ 4,800 square feet of enclosed space (including ~~2,240~~ 2,200 square feet of parking and common areas) when compared to the McNear building (see Figures 12 and 13).

Concerning the former McNear Building that previously existed on the site, the second sentence of the first paragraph on EIR p. I-2 and of the third full paragraph on EIR p. II-3 are revised as follows (new language is underlined; deleted language is indicated with ~~strikethrough~~):

This structure was a five-level, ~~3,250-~~3,300-occupied-square-foot, five-unit Moderne building (~~about 3,750 total sq. ft. including lobby and circulation space~~).

Also, the first sentence of the third full paragraph on p. III.B-11 is revised as follows (new language is underlined; deleted language is indicated with ~~strikethrough~~):

McSweeney's five-level wood frame building, containing ~~3,350-occupied~~ 3,300 square feet (occupied floor area), rose one and one-half levels above Alta Street on the front facade, and descended three and one-half levels below grade, along the east elevation.

A-19) Please see the response to Comment A-9.

A-20) Discussion of the former McNear building and the proposed project's comparative qualities to it is provided in the DEIR to assist the reader in understanding the site's historic conditions and the project's relative effects. The commenter questions the appropriateness of providing comparison to the McNear building for perspective. Discussion of the McNear building does not serve as the foundation for judging the project's potential for significant effects. In the Historic Architectural Resources section, an assessment of the proposed project to the McNear building serves as one of three contributing reasons for determining the project would not have a significant impact on the Telegraph Hill Historic District and is provided to demonstrate that the project would have similar stylistic qualities to that of a former Contributory structure. The shadow section discusses both existing conditions and conditions when the McNear building was located on the site, and demonstrates the level of shade associated with each on the section's diagrams. Assessment of the project's potential for effects on visual quality, geology, and biology were also not based on its comparison to the McNear building.

A-21) The DEIR does not fail to compare the project to a reasonable range of alternatives or to an environmentally superior alternative. As the commenter noted, CEQA Guidelines (Section 15126(d)(1)) requires that the DEIR provide alternatives that are "capable of avoiding or substantially lessening any significant effects of the project."² This DEIR identifies no significant impacts, thus it is impossible for this DEIR to be inadequate in meeting this requirement. Nonetheless, the DEIR analyzes an alternative (Alternative B: Replacement Alternative) that would be the same size and style as the previous Contributory McNear building and thus would result in no new impacts to the site or district when compared to the previous

² The complete language of CEQA Guidelines section 15126(d)(1) reads: "Purpose: Because an EIR must identify ways to mitigate or avoid the significant effects that a project may have on the environment (Public Resources Code Section 21002.1), the discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly."

building. This alternative would clearly be an environmentally superior alternative that could avoid or substantially lessen significant effects of the project, if it had any.

Further, the Replacement Alternative was not rejected by the sponsor solely on the basis of not complying with the code requirement for off-street parking. As stated in section VI, Alternatives (page VI-2), the sponsor rejected this alternative because it would “not meet two of the primary objectives, to provide economically viable home-ownership opportunities and to provide on-site parking.” The alternative was designed with no parking because although the lack of parking could be addressed through a parking variance, inclusion of parking within the footprint of a building matching the McNear building would result in even smaller units, thus making the project even less economically viable according to the project sponsor.

Nowhere does the DEIR suggest that such an alternative would be infeasible, rather it merely states (on page VI-2) that *the sponsor* has rejected this design and that no construction would occur on the site if this was the approved design. The sponsor can reject an alternative based on its own assessment of whether or not the alternative would meet their objectives, including regarding financial return. It should be clear, however, that the sponsor’s rejection of an alternative is separate from, and does not influence the analysis of, an alternative’s potential for effects on the environment. It is up to decision making bodies to make independent findings of infeasibility for alternatives that would mitigate or reduce significant impacts, regardless of a sponsor’s position.

Further, the commenter states correctly that CEQA Guidelines require that alternatives that “would impede to some degree the attainment of project objectives” or be more costly must be considered. That is exactly what the DEIR has done in considering the Replacement Alternative. This criterion set forth by the Guidelines pertains to the nature of the alternatives that are considered in the DEIR, not the design that is ultimately approved for development. CEQA does not require, however, that such an alternative be found acceptable to the project sponsor. It is then left to the Planning Commission to approve the proposed project, the alternative, or neither of the design schemes.

As described in Section B of this Summary of Comments and Responses, the EIR also evaluates another alternative that would construct a single-family dwelling on the project site. This Alternative C is now the project sponsor’s preferred alternative.

- A-22) The City, as Lead Agency, has a responsibility to consider additional alternatives suggested by the public if the suggested alternatives would contribute new information to the analysis conducted in the DEIR. The two alternatives that are considered in the DEIR allow the document to consider the full range of reasonable scenarios for the project site. This is the case because the No Project Alternative analyzes potential effects if the site remains empty, thus providing a contrasting scenario (in terms of potential for impacts) to the proposed project. The Replacement Alternative analyzes potential effects of an alternative that would have effects greater than the No Project Alternative, but less than the proposed project.

As noted in the previous response, the EIR also analyzes an alternative that would construct a single-family dwelling on the project site.

An alternative that would involve construction of a structure that would be the same size as the McNear building, but that would include parking, would, like the proposed project, result in no new land use impacts because the residential nature of the site would remain unchanged. A parking variance would not be required as would be the case for the Replacement Alternative. If the style of the structure was in compliance with most of the style guidelines set forth in Article 10, Appendix G, or if it was a replica of the McNear building, this alternative would not result in significant effects on the architectural resources of the Telegraph Hill Historic District for essentially the same reason the proposed project would have no significant effects. Although this alternative would result in greater shade on the Garden than existing conditions, it would not result in significant effects on the Filbert Steps or Grace Marchant Garden, since the shadow would be similar to that of the McNear building, the conditions under which the Garden was initiated and maintained. Assuming a stylistically compatible design, this alternative would not result in new aesthetic effects nor would it result in substantial degradation of scenic views. As with the proposed project, this alternative would not result in new geologic/seismic effects and would in fact improve the safety of the site, although it would alter the cliffs in a manner similar to that of the proposed project.

An alternative that would construct a building that rigorously conforms to the standards of Article 10, Appendix G and that would be smaller than the McNear building (perhaps of a similar size to Contributory buildings on the south side of Alta Street) would also not result in new land use effects. Because the structure would adhere to the style guidelines of Article 10 and would be compatible with nearby Contributory buildings, it would not result in significant effects on the architectural resources of the Telegraph Hill Historic District. This alternative would also result in some new shade on the Grace Marchant Garden compared to existing conditions, although it would not result in significant effects. As with the proposed project, this alternative would not result in new geologic/seismic effects and would in fact improve the safety of the site, although it would result in some alteration of the cliffs.

As demonstrated above, the two alternatives recommended by the commenter would, like the Replacement Alternative analyzed in the DEIR, fall into the middle range of level of impacts (between the No Project Alternative and the proposed project) and would not result in a different conclusion in the level of environmental effects than were found for the Replacement Alternative. CEQA does not require that an EIR consider “every conceivable alternative to a project. Rather, it must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making . . .” (Section 1526.6(a)). As demonstrated by the discussion above, decision-makers can reasonably infer the environmental consequences of variations in the project that might fall between the proposed project, the Replacement Alternative, and the No Project Alternative.

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1. General

(i) Appropriateness of comparing to the prior building.

We note that in many sections of the DEIR, the proposed building is compared to the previous building that was located on the site (Sections III B, III C, and III D for example). We recognize that under the San Francisco Planning Code the owners of the site would have been permitted to rebuild the previous building had they applied to do so within twelve months of its demolition (and we understand that this twelve month period was extended for some additional six or twelve months by the City pursuant to a court settlement of litigation arising from the previous slide and demolition on the site). The owners have chosen not to apply to reconstruct the previous building. The proposal that is being considered today is for an entirely new building on a site that has been vacant for nearly seven years and the decisions as to the environmental impacts of this proposed building must be made as it compares to the vacant site today, not as compared to the conditions before 1992 when the previous building occupied the site.

B-1

The previous building is identified in the DEIR as an Alternative to the proposed project, however as we point out in Section H of these comments below, this Alternative has not been seriously considered as is required by CEQA Guidelines (an alternative that does not provide parking, and is therefore rejected, cannot be considered a reasonable alternative).

Under CEQA, there is no provision that permits an analysis of the environmental effects as compared to a prior structure that occupied the site in the past. It is not appropriate to justify a proposed structure if its justification is based in whole or in part on the fact that it can be compared to a previous building that once occupied the site. In making a decision as to the environmental impacts of this project the decision makers should ignore the sections and comments in the DEIR that deal with comparisons to the prior project and thus these sections and comments should be removed from the EIR.

(ii) The Grace Marchant Garden is not correctly described in the DEIR. Throughout the DEIR the Grace Marchant Garden is depicted as stretching from Darrell Place to the west, just past Napier Lane to the east, the Filbert Steps to the north, and following an irregular line into the northern portions of properties lining Alta and Filbert Streets (see Figure 38). The reader may draw the conclusion that the proposed building only impacts one small corner of the Grace Marchant Garden given this description. The Grace Marchant Garden does not in fact cover all this area. The garden that was created by Grace Marchant is only the eastern portion of that shown in the DEIR, covering the right of way and adjoining private properties from approximately 50 feet west of Napier Lane to 50 feet east of Napier Lane. The upper areas of the right of way were not tended by Grace Marchant and are, as the DEIR correctly indicates (III.F-1) "*somewhat more divided into individual plots, have less variety and color in its landscaping, and function more as the yards of the individual buildings than as a coherent unified garden.*" The Board of Supervisors recognized the entire area in 1983 when they paid tribute to Grace's efforts, however this was done as there was not then, and the same holds true today, any defined boundary to the Garden that she created and tended. It is important to note that the visual impact of the building will be experienced from all

B-2

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areas of the garden that Grace created. The description of the Grace Marchant Garden should be amended to correctly identify it.

B-2
CONT.

B. Project Description

(i) The square footage of the proposed building is not correctly described. The DEIR states (I-1, paragraph 2 and II-1, paragraph 2) that the building "would include approximately 5,575 square feet (sq. ft.) of occupiable floor area, or about approximately 1,860 sq. ft. per unit. Parking and circulation space, including the lobby, would total 2,240 sq. ft. for a total of about 7,815 sq. ft". As stated in our letter of June 8, there has been much discussion to date in an attempt to determine the precise square footage of the proposed project. Mr. McEachron's office (the project architect), in a fax to Mr. Aaron Peskin dated November 4, 1997 stated "The sq. fig of the building to the outside of walls is about 8,400 sq. ft". The Telegraph Hill Dwellers had the plans reviewed by an independent architect in mid 1997 who then determined the project to have 8,803 sq ft. Subsequent to that review the sponsors had some minor changes effected which reduced the square footage to 8,514.

B-3

As pointed out by our attorney, CEQA Guidelines state thatan accurate description of the project has been required by case law..... and the state court of appeal declared than an accurate, stable, finite, project description is an essential element of an informative and legally sufficient EIR under CEQA.

We requested in our June 8 letter to the Planning Department that an independent architect be engaged to certify the precise gross square footage. It is of the utmost importance that the precise square footage of this project be determined in order that correct decisions can be made. We again request that an independent architect certify the gross square footage.

(ii) The description of the building is unclear. The DEIR on page I-1, paragraph 3 and page II-1, paragraph 3 describes the building including a sentence which reads "At the rear the maximum dimension along the north elevation would be approximately 73 feet, achieved in four separate wall planes, each set back from the one below". It is unclear to the reader what is meant by the word "dimension". This word should be replaced with "height" such that the sentence would read "At the rear the maximum height along the north elevation would be approximately 73 feet, achieved in four separate wall planes, each set back from the one below". The sentence will then be clear to the reader and correctly describe the building.

B-4

(iii) The project is not correctly described. The DEIR states (I-1, paragraph 3 and II-3 paragraph 1) that the "existing low concrete wall that runs along the eastern edge of Alta Street would be removed". We do not believe this is correct and it should read that only that portion of the wall that fronts onto to the property, on the northern edge of Alta Street would be removed.

B-5

(iv) The previous apartment building is not correctly described. The previous apartment building, referred to in the DEIR as the McNear building is described on page I-2, paragraph 1, and page II-

B-6

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3, paragraph 4 as "*a five level, 3,250-occupied-square-foot, five unit Moderne building (about 3,750 total sq. ft including lobby and circulation space)*". This is not correct. There was **no** lobby in the previous building and there was **no** common enclosed circulation space (access to the apartments was by exterior staircase). The gross floor area of the building was 3,250 sq. ft. as can be verified by reference to the original plans that are on file with the City and as is correctly described in more detail on page III.B-11, paragraph 4.

B-6
CONT.

Also, the DEIR should make it clear that the word "level" as used to describe the "five-level" previous apartment building is not the same as the "level" used to describe the "six-level" proposed building. The previous apartment building had 8 foot ceilings, thus about 9 feet between levels for a total vertical height from top to bottom of 50 feet whereas the proposed building would have ceiling heights of 11 feet on three floors, 10 feet on two floors and 8 feet on the garage floor (with 9 to 12 feet between levels) for a total vertical height of 75 feet.

(v) The project is not Code complying. Although this site and this project is subject to the more stringent controls of Article 10 we would like to point out that the building as proposed does not comply with the existing Planning Code. The DEIR on page I-2, paragraph 2 and page II-9 paragraph 1, states that the project "*.... would comply with Planning Code requirements concerning height, bulk, and use in the district in which it would be located.*" The project would be in an RH-3 district which requires a minimum rear yard depth equal to 45 per cent of total lot depth (Section 134 (a)(2)). The project lot is 120 feet deep thus the required rear yard would be 54 feet deep. The proposed building at 68 feet deep (so stated in the DEIR although we note that the plans submitted to the City indicate a depth of 68.8 feet) would encroach into the required rear yard by 2 feet.

B-7

Section 134 (c) of the Planning Code allows for a reduction in the required rear yard based upon the average of the building depths on the adjacent lots. The lot to the east of the subject property is vacant which, under Section 134 (c)(3) is assumed to have a building depth equal to 75% of lot depth or, in this case 90 feet. The building to the west of the subject lot has a depth of 47.6 feet. The average of these two is 68.8 feet and we understand that it is on this basis that the permitted building depth of 68.8 feet has been calculated.

However, the lot to the east of the subject lot (Lot 41 in Block 106 known as 211 Filbert Street) fronts onto Filbert Street, not Alta Street (Alta Street terminates at the subject lot as the DEIR notes (I-1, paragraph 1). Section 134 (c) (4) (B) disallows the reduction of the required rear yard if the adjacent building fronts on to a different street. The building as proposed does not comply with the Code requirements.

(vi) The site is not correctly described. The DEIR describes (II-1, paragraph 1) the site as "*dropping more than 60 feet vertically over its 120 foot horizontal length*". In fact this should be described as dropping more than 110 feet vertically over its 120 foot horizontal length (see sponsor's survey, a reduced version of which is shown as Figure 40 in the DEIR). The difference is important because it is the magnitude of the steepness of the site that causes the visual impact of a large building to be so great to the viewer below.

B-8

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(vii) Lot coverage. The DEIR states (II-1, paragraph 3) that "*proposed building would cover about 36 percent of the lot*". This statement has a footnote which states "*because of the site's steepness, particularly its eastern edge, it is likely that portions of the site are not suitable for development*". These statements are misleading and appear to convey the notion that the sponsors are somehow not covering all of the lot that they could cover.

The facts are that the proposed building is planned to be as deep into the lot as possible (and in fact encroaches into the required rear yard as noted above) and as wide as can be possibly built. The proposed building would be built to the maximum possible lot coverage.

In order to gain the maximum possible width, the sponsors are employing an extensively engineered foundation to place the building on the site and build as far to the east as is realistically feasible. In fact, it is probable that if they were to go any further to the east, the building would have to be supported by a foundation extending over 100 feet to the bottom of the cliff and onto the adjoining lot. The building, having a foundation as close to the cliff edge as possible, will then be cantilevered out 10 feet further over the cliff in order to gain the maximum width possible. Because of this cantilever, the building will actually cover greater than 100% of the buildable portion of the site.

The DEIR should read that "*proposed building would cover about 36 percent of the lot which is the maximum that can be built on this site*".

(viii) Building height is incomplete. The DEIR states (II-1) that the "*building height, measured according to the Planning Code, would be approximately 32 feet above street grade on Alta Street*". This is correct however it does not give the reader all the facts. The fact is that the street grade at this point is artificially high having been raised some 7 to 10 ft following the construction of the Alta Street retaining wall in the 1930s as noted on Page III.E-3. As the DEIR is, among other things, assessing the visual impact of the building, the description should be amended to read that the "*building height, measured according to the Planning Code, would be approximately 32 feet above street grade on Alta Street, and measured from the natural grade, would be over 50 feet in the center of the front property line*".

(ix) Project Sponsor's objectives are not met. On page II-9 the DEIR lists the Project Sponsor's Objectives. The proposed building does not meet the Sponsor's third objective in that it is not *comparable in height, mass and exterior treatment to existing nearby structures* (or indeed any existing nearby structure) *and to the Telegraph Hill Historic District*. As is noted in these comments there is no objective analysis of this issue in the DEIR but if there were, it would be determined that this objective is not being met.

B-9

B-10

B-11

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C. Area of Controversy

(i) The DEIR incorrectly limits the impact to historic architectural issues. As we set forth in some detail in our June 8 letter appealing the Initial Study (see Section 3 of this report) the EIR must not be limited to the impact on historic architectural resources. The project will have a significant adverse environmental effect requiring analysis in an EIR if it will cause a substantial adverse change in the significance of an historical resource within the meaning of Section 21084.1 of CEQA. Here the historical resource is the Telegraph Hill Historic District created in 1986 to preserve and protect the district's unique natural, historic and architectural features, including the cliffs, the gardens and the other open spaces as well as the buildings. In addition to the approximately 55 "contributory" buildings (those which date from the district's period of significance and retain their historic integrity), the ordinance protects the historic open space as a part of the character of the district. Dealing specifically with the cliffs, Article 10, Appendix G, Sec. 5 provides that "[t]he steep cliffs, a decisive factor in determining the historic development pattern of the area, are a highly significant aesthetically important component defining the setting of the District." And the final case report adopted as a part of the Telegraph Hill Historic District Ordinance finds the District important as a "Visual Landmark."

B-12

(ii) Compatibility with the Historic District is not adequately addressed. The DEIR states (I-2, paragraph 4) that one of the principal issues addressed is

"Compatibility of the design (size, mass and architectural style) of the proposed structure with the Telegraph Hill Historic District".

There is little in the DEIR that adequately addresses this issue. There is no objective analysis which compares the size and mass of the structure or the architectural style to other structures in the District and in particular to nearby structures and nearby contributory buildings. There are some cursory comments, "*the project would be more massive than the adjacent structures*" (III.B-14), "*The proposed building would be different than nearby Contributory buildings, either in terms of style or mass*" (III.B-16) "*All of these structures (the 13 nearby Contributory buildings) are substantially smaller in terms of overall mass and floor area than is the proposed project*" (III.B-16). Clearly the DEIR writers were aware that the proposed building would be substantially larger than others in the District and of a different architectural style to those nearby, yet they failed to define for the reader what they meant by "substantially" and at the same time they drew the conclusion that "*the relative size of the proposed project represents a nominal change to the district's setting*" (III.B-16). It would appear that these two statements are in conflict. The DEIR should objectively compare the size, mass and style of the proposed building with others in the District and particularly with other nearby Contributory buildings.

B-13

A comparison of floor areas, for example, will reveal that the facts are that the proposed project is more than three times the size of its neighbor at 34 Alta Street, more than eight times the size of the adjacent building at 221 Filbert Street, more than six times the size of 17 Alta Street, five times more than 19 Alta Street, and four times more than 21 or 23 Alta

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Street (all nearby buildings on Alta Street). These comparisons are based on square footages of the relevant structures as recorded in the Assessor's Office and are summarized in Appendix A "A Survey of Adjacent and Nearby Contributory Buildings to the Proposed Project at 22-30 Alta Street". In fact, within a 100 foot radius of the site, the proposed building is greater than twice the size of the next largest building.

With respect to mass, an objective analysis will show, for example, that, with an enclosed volume of approximately 98,000 cu ft, the mass of the proposed building is more than twice the size of one of the adjacent buildings (34 Alta St. with an enclosed volume of approximately 40,000 cu ft) and more than ten times the size of the other adjacent *and Contributory* building (221 Filbert St. with an enclosed volume of approximately 8,000 cu ft).

The DEIR must address compatibility with the Telegraph Hill Historic District, as it indicates it would, and will find that the proposed project is plainly not compatible.

B-13
CONT.

The DEIR states that another of the principal issues addressed is

"potential for impacts on the Grace Marchant Garden either by shadows cast by the proposed structure or during the course of the structure's construction".

We believe, as we shall demonstrate below, that the shadow cast by the proposed structure has been inadequately analyzed and false conclusions drawn. We also believe that the visual impact of so massive a structure so close to the Garden has been virtually ignored in the DEIR. The top of the proposed building will rise some 100 feet above the Garden center and will be 100 feet horizontally distant – this massive size of building will create a dominating presence that will be felt on visitors to the Garden and will forever and irrevocably change the look and feel of this very special place.

B-13A

(ii) Prior review by the Landmarks Board is incorrectly reported. The DEIR states (I-2, paragraph 4) that *"according to the project sponsor, subsequent to review by the Architectural Review Committee of the Landmarks Preservation Advisory Board, the project's height, bulk, and square footage were all reduced in response to neighborhood concerns."*

This statement is simply not true. The fact is that the project sponsor has made absolutely no concession to the neighborhood in height bulk and square footage from the very first proposal put forward for the site. The minor changes referred to in B (i) above, which resulted in a reduction of a few hundred square feet were initiated at the request of the Planning Department, and not in response to neighborhood concerns. The first proposal that the project sponsor put forward was in 1995 when a conceptual design was proposed to the LPAB and shown to neighbors – the sponsor stated that design to have 8,000 sq. ft in gross floor area and to rise two stories above Alta Street (see Appendix K). Subsequent to that preliminary review by the LPAB and in February 1997 the project sponsor presented neighbors with a substantially larger design having over 12,000 sq. ft of floor area and rising three stories above Alta Street. The project sponsor then, six weeks later,

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reduced that design to that which was presented to the ARC in November 97 and is the subject of the DEIR. This design is, in fact, larger than that originally presented in 1995 and the claim that a reduction in height bulk and square footage was made in response to neighborhood concerns, is false and clearly unsupportable.

B-14
CONT.

It is therefore not correct for the DEIR to characterize the November 97 ARC review as of a "scaled down proposal" (I-2).

Furthermore the DEIR fails to mention the outcome of that review. If the writer felt that it was worth noting that the project had been reviewed by the ARC surely the writer should note how the project was regarded by the ARC. In fact the ARC made the following recommendations to the project sponsor:

- *Advise that project in its current design would be denied a Certificate of Appropriateness if it were to return to the full Board*
- *Clarify issues of shadow impact on the Grace Marchant Garden*
- *Reduce the mass and size in order to be compatible visually/aesthetically with neighboring buildings. A smaller building is recommended.*
- *Advise that the building should be cottage style to meet the intent of Article 10.*
- *Return to the Planning Department staff with future design proposals.*

(Final Minutes of the Landmarks Advisory Board, November 5, 1997. See Appendix E).

B-15

D. Historic Architectural Resources

(i) The DEIR does not assess the project's impact on all the nearby historic resources. Within the Telegraph Hill Historic District there are other historic resources besides the Contributory buildings and the District as a whole. As stated in the ordinance "the character of said Historic District shall mean the architectural features and historic open space referred to in the case report". The DEIR does not assess the project's impact on those resources. Specifically the impact on the Grace Marchant Garden, and the cliffs surrounding the site, as historic resources, are not discussed. Both of these are identified in Article 10 as either "significant" or "renowned" and both are described in greater detail in the case report dated August 7, 1985 which is incorporated as part of Article 10.

B-16

The proposed project would cause a substantial adverse change in the significance of the Grace Marchant Garden, a historic resource, by altering its immediate surroundings. Specifically, the casting of shadow across the Garden for long periods in the year would materially alter the physical characteristics of the Garden. This Garden is a public resource of national and international renown. The Garden was recently featured in Gianni Longo's book "Great American Public Places" and it is no coincidence that it is the first such public place to be mentioned in the book. (see Appendix N). Furthermore the City has accepted conservation easements over portions of the Garden that fall across private properties (see Appendix I) and is thus entrusted with protecting this special place for the perpetual enjoyment of the public.

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The proposed project would cause a substantial adverse change in the significance of the cliffs around the site, a historic resource, by covering portions with gunite, shotcrete and skirt walls, and disfiguring other portions with rockbolts, wire netting and drainage systems such that the physical characteristics of the cliffs that convey their historical significance would be materially altered in an adverse manner.

B-16
CONT.

(ii) The conclusion in the DEIR cannot be drawn. The DEIR's conclusion (I-3, paragraph 2) is that *"the project's impact would not result in substantial modifications to the historic district as a whole, nor would result in a compromise in the integrity or significance of any of the adjacent buildings that are identified as Contributory to the district."*

This conclusion is *"substantiated by three primary factors"*

1. *Since the proposed project involves the construction of a single code complying structure on a single piece of property within an historic district that includes eighty structures and covers many blocks, the resultant change is insufficiently large to compromise the district itself or to affect the significance of other surrounding properties in any meaningful way. (I-3)*

This statement is saying that one building (even if it is substantially larger than the others) in a district of some 88 buildings is not going to make a significant difference to the district as a whole. This argument cannot be made given the requirements of CEQA. The DEIR must address the impact on individual architectural resources within the District as the Initial Study indicated that it would (*"The project's potential effects on historic architectural resources and other contributing elements of the district as prescribed in the Planning Code will be discussed in the EIR"* Page 20, Section III B (13)). This has not been done in the DEIR and it is not appropriate to limit discussion to the impact of the building on the district as a whole. In a Historic District such as on Telegraph Hill, with 86 different properties covering parts of four city blocks over varying topography, it is hard to conceive what structure, short of a power station, could be considered to impact the District as a whole.

B-17

2. *As a Replacement for a lost Contributory structure, the project would not irreparably or substantially alter the historic setting as a character defining feature of the district or the nearby buildings. While the proposed building would provide parking, and would be taller, wider, and enclose more square footage than its predecessor, the degree of change would be insufficient to adversely affect any neighboring building's Contributory status.*

The project would irreparably and substantially alter the historic setting by disfiguring the cliffs and by shading the Grace Marchant Garden.

Furthermore, the conclusion above can only be drawn if the replacement is the same as that which it is replacing. This is clearly not the case here. As we point out elsewhere we do not believe that it is appropriate to compare the proposed project to what was previously on this site, however as the writer of the DEIR has made this inappropriate comparison we feel compelled to point out the inaccuracies therein. The narrative comparison between the two buildings is incomplete,

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inaccurate and not objective. The proposed building is over two a half times the size of the old building in terms of floor area (8,500 sq. ft versus 3,250), nearly three times the size in terms of volume (98,000 cu ft versus 35,000), 60% higher in overall elevation (82 ft top to bottom versus 50 ft), 50% wider (34 ft versus 23 ft) and 10% deeper (68 ft versus 61 ft). Furthermore this analysis does not take into account the effect of the proposed terraces which will serve to further enlarge the proposed building from a visual perspective. The fact is that the proposed replacement is substantially different from that which it is replacing and the conclusion cannot be made.

B-18
CONT.

The argument that the proposed building would be "*insufficient to adversely affect any neighboring building's Contributory status*" is misleading. The proposed building, no matter how large, could not affect the Contributory status of any neighboring building unless it were to somehow cause the demolition or actual physical change to that Contributory building; clearly that is not going to happen. Put another way, the proposed building could be 500 feet high, be constructed of reinforced concrete, have no windows and it would still not affect the Contributory status of its neighbor. The argument is inappropriate to use as a basis for concluding that the proposed building would have no impact on nearby historic resources. The DEIR must assess *objectively* the compatibility of the proposed building with nearby Contributory buildings.

B-19

The Historic Architectural Resources section of the DEIR makes some cursory comparisons of the proposed building to certain non Contributory buildings in the district ("*the height of the proposed building would be no more than five feet taller on both the Alta Street and Filbert Street elevations than the adjacent building (34 Alta Street) or the two buildings (40 and 50 Alta Street) immediately to the west of the adjacent building*" (III.B-14)) but there are absolutely no objective comparisons to the nearby Contributory buildings despite the fact that such comparisons have been provided to the Department of Planning in the past (June 8 letter to Planning Commission in Section 3) and are, to this day, on file with the Department.

3. *As part of the Certificate of Appropriateness process, the proposed project is subject to review and approval by the Director of City Planning and/or the City Planning Commission acting with advice from LPAB. As such the project would be closely evaluated for its compatibility with the guidelines set forth in Appendix G of Article 10 of the Planning Code.*

The project has not yet been reviewed by the full LPAB and the Planning Commission. The fact that it *will* be subject to this review cannot be turned around to say, therefore there is no impact. This is a nonsense argument. Furthermore, as stated above, the project has been reviewed by the Architectural Review Committee of the LPAB who found that, among other things, it would be denied a Certificate of Appropriateness and that it should be reduced in mass and size.

B-20

(iii) The Historic District is not correctly described. The DEIR on page III.B-1 paragraph 3 describes the Historic District as containing "*80 structures on 88 parcels, including: 44 contributing structures; 10 altered/contributing structure built during the district's period of significance but lacking in integrity; 26 non-contributors that were built after 1941 that presumably lack architectural and/or historic significance; and 15 undeveloped parcels that are neither contributing or non-contributing because they are street rights-of-way or vacant lots*".

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This description is not correct. A review of the 1985 Landmarks Preservation Advisory Board Case Report that supported the adoption of the District, together with what was actually enacted and what has happened to the District in the intervening 13 years will reveal that the District contains "80 buildings on 86 parcels, including: 46 Contributory buildings; 8 Contributory/Altered buildings which date from the District's period of significance but which have had their historic integrity compromised by inappropriate alterations; 26 non-contributory buildings that were built after the District's period of significance; 11 undeveloped parcels that are vacant lots; and several undeveloped street rights-of-way, many of which are contributory elements of the District as mentioned in the Ordinance and the Case Report".

B-21
CONT.

(iv) The proposed building does not conform to the style guidelines of Article 10 Appendix G. Under Guidelines on page III.B-6 the DEIR lists each of the individual guidelines from Section 7 Appendix G to Article 10 of the San Francisco Planning Code. The DEIR later states (III.B-17 and III.C-7) "*the proposed design would be in conformance with most of the guidelines in Article 10*", yet there is no guideline-by-guideline assessment to support this conclusion. There is some comment (III.B-16, paragraph 3) where the writer attempts to argue that compatibility with nearby contributory buildings, as is required, does not apply to modern style buildings ("*This statement (Section 7(c) of Appendix G) does not differentiate among the variety of architectural styles of those buildings and, as such, some of the guidelines are not applicable to modern style buildings*").

The proposed building would not in fact conform to most of the style guidelines. There are seven style guidelines listed:

- | | |
|--|---|
| (a) Bay windows and porticos are discouraged. | The project has bay windows. |
| (b) Porches and balconies are encouraged. | The project has terraces. |
| (c) Gable roof forms are encouraged.. | The project has flat roof forms. |
| (d) The mass of new buildings should relate to the topographical contour of the site, and be compatible with adjacent buildings. | The mass slopes to the north with the site but not to the east (as the site slopes). The mass being more than twice the adjacent building at 34 Alta St. and over ten times that of the other adjacent building at 221 Filbert St. is not compatible. |
| (e) The use of horizontal rustic wood siding is encouraged over other surfacing materials. Masonry surfaces may be appropriate in sub-areas with a concentration of Art Moderne or International Style building. | The site is not located in a subarea with a concentration of Art Moderne or International Style building and it does not have horizontal wood siding. (See survey in Appendix A) |
| (f) Fenestration should be proportionate and in | The proposed fenestration is not in scale with |

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scale with traditional patterns within the district. Wooden sash is encouraged over aluminum or other metal sash.

traditional patterns in the district and is understood to be metal sash.

(g) Detailing should relate to the simple, straightforward traditional vernacular forms found in the district.

The detailing does not relate to the straightforward vernacular forms in the district.

B-22
CONT.

Out of the seven style guidelines, the proposed project can only be said to conform to one and to be in conflict with the other six. The DEIR's statement that the proposed building would conform to "most of the guidelines" is plainly incorrect. The DEIR must state that the "the proposed design would not be in conformance with at least six of the seven guidelines in Article 10".

(v) Height comparison with neighboring buildings. The DEIR, in the Historic Architectural Resources Evaluation of Project Impacts (III.B-14), compares the height of the proposed building with that of 34, 40 and 50 Alta Street. However the DEIR fails to note that 34, 40 and 50 Alta Street are not Contributory buildings and their relevance to the evaluation of impacts on historic architectural resources is therefore worthless.

In the Evaluation of Project Impacts on Historic Architectural Resources there is very little comparison analysis with any of the nearby Contributory buildings or historic resources within the District other than to say that of the 13 Contributory buildings within a radius of 100 feet, "only one is of a Modern architectural style and a majority are Italianate in design. Further, all of these structures are substantially smaller in terms of overall mass and floor area than is the proposed project." The DEIR must objectively qualify what it means by "substantially smaller". It must also evaluate whether the proposed design with its roots in the Moderne style is appropriate in this setting with its preponderance non-Moderne Contributory buildings (see Appendix A), A Survey of Adjacent and Nearby Contributor Buildings to The Proposed Project at 22-30 Alta Street for an objective analysis).

B-23

The DEIR states that "The proposed structure would be taller than the McNear building (the former building on the project site), in part, due to the need to accommodate a Code-required parking garage" (III B-14, paragraph 2). As we point out elsewhere we do not believe that it is appropriate to compare the proposed project to what was previously on this site, however as the writer of the DEIR has made this inappropriate comparison we feel compelled to point out the inaccuracies therein. The implication from the statement in the DEIR is that it would not have been possible to accommodate the required garage without adding a story. That is clearly inaccurate. It is perfectly feasible to accommodate the garage without the need to build two stories above it. The sentence should be deleted.

B-24

(vi) Paragraphs 3 and the first sentence of paragraph 6 on page III.B-14 compare the proposed building to the previous building on the site, the McNear building. These paragraphs are part of the section titled "Evaluation of Project Impacts" within the Historic Architectural Resources Chapter of the DEIR. As we have stated above, the proposed project cannot be justified under CEQA by comparing it to the previous building that occupied the site. Paragraph 3 and the first

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sentence of paragraph 6 on page III.B14 should therefore be deleted. Having said that we are again compelled to point out the inaccuracy of the DEIR's comments notwithstanding that they are inappropriate in the first place.

The project would not appear as if an additional story were placed in the middle of the prior building (the other stories of the old and the proposed building are not comparable in height, the width of the proposed building is substantially greater, and the depth is greater). It is not correct to say that the overall effect would be an increase in height of approximately one story unless that story happens to be about 30 feet high (the proposed building will have a maximum height of 82 feet whereas the prior building's maximum was 50 feet). It is also not correct to say that the proposed building would have an increase of 4,465 sq. ft compared to the prior building (the increase would be over 5,250 sq. ft or 160% of the prior building).

B-25

(vii) Sub area of large non-contributory buildings does not exist. The DEIR states on page III.B-14, paragraph 6, that "*because the project site is within a subarea of the district that contains large non-contributory buildings, the project's increased volume would not be incompatible with adjacent construction.*"

This statement is without foundation and should be deleted:

- a) Within 100 feet of the project site there are 19 structures. 13 of these are Contributory (or Contributory/Altered) buildings and 6 of them are non Contributory. This cannot therefore be described as a subarea of non Contributory buildings.
- b) The non Contributory buildings that are within the 100 foot radius are not large when compared to the proposed building. None of the three largest (34, 40 and 50 Alta Street) are even half the size of the proposed building when measured by volume. If they can be described as large, then the proposed building must be described as massive.
- c) Thirdly, this statement completely ignores the fact that "adjacent construction" includes 221 Filbert Street, a contributory building, which is less than one tenth of the size of the proposed building.

B-26

(viii) Lot coverage is not a measure of impact on historic resources. The DEIR states on page III.B-14 that "*because the project site is relatively large, compared to other lots in the district, the proposed structure would have a smaller percentage of lot coverage than most other buildings in the district...*"

B-27

In an analysis of the proposed building's impact on Historic Architectural Resources this statement has no relevance. Percentage of lot coverage is not an indicator of impact on historic resources.

(ix) The model of the previous building is inaccurate. The architect's model shown in Figure 12 on page III.B-12 is inaccurate. The previous building on the site had no stair tower at the south east as is shown on the model. The model shows a wall underneath the exterior stairs descending until it meets the grade. This is not correct. When the building was on the site the grade sloped up underneath the exterior stairs such that there was no wall visible. It was this dirt that unraveled and slid in 1992. Figure 8, an aerial photograph of the east side of Telegraph Hill including a view of

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the previous building, does not show the entire east façade of the previous building but, if examined closely, it shows enough to indicate that the model is not accurate. The visual bulk was massively less as the previous building truly stepped down the slope and was not triangular in form as shown (and as is the proposed project). This can be verified by examining the original plans of the previous building which are on file with the City (see Appendix M for a copy of the microfiche file), and looking at photographs of the previous building which we can supply to the Planning Department. The photograph of the model should be removed from the DEIR. The DEIR, in order to be objective should show the elevations of the prior building along side the elevations of the proposed building (to the same scale) so that readers can make a true comparison of the relative sizes (see Appendix D).

B-28
CONT

E. Visual Quality

(i) There is no basis for the conclusions drawn. The DEIR's conclusion (I-3, paragraph 4) is that *"Because the project would not visually alter the overall residential character of the existing neighborhood, be of such a scale as to stand out from locations other than those with direct views of the site, or introduce building materials or an architectural style that are foreign to the surrounding neighborhood, the project would not result in a substantial, demonstrable negative aesthetic effect."*

This conclusion cannot be drawn from the three reasons stated in the DEIR if the facts are considered.

- a) By creating a building with a mass more than ten times that of one of its immediate neighbors, the project would visually alter the overall residential character of the neighborhood. The residential character of the neighborhood is one of mixed residences, some single family dwellings and some multi-unit apartment buildings. Some of these buildings are larger than others, however, none, that are or will be in sight of the project site, are anywhere near the size of the proposed building. Within a 100 foot radius of the project site the next largest building is less than half the size of the proposal.

B-29

Figure 17 correctly shows the proposed view from the Filbert Steps. It should be pointed out that this photograph shows three of the largest existing buildings in the neighborhood all of which are clearly substantially smaller than the proposed building. The photograph also shows 221 Filbert Street which is completely dwarfed by the proposed building. And all of this is shown with a tree that obscures a large part of the proposed building – if built, that tree, which is deciduous, will not obscure the building in real life as well as it does in the photograph and in winter when its leaves are gone, it will not obscure it at all.

(If the DEIR writer means that the residential nature of the building conforms to the residential nature of the neighborhood, therefore it is compatible, this argument is inappropriate – the same would hold true if the proposed building were a 30 story apartment

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building. Clearly such a building would alter the visual quality of the neighborhood as does the proposed building).

- b) The statement that "*it would not be of such a scale as to stand out from locations other than those with direct views of the site*" makes no sense. If one doesn't have a direct view how could it stand out
- c) The building **would** introduce building materials and an architectural style that are foreign to the surrounding neighborhood. Indeed the DEIR itself says "*the project would not be of a style similar to that of most of the buildings immediately surrounding the site*" (I-3).

The DEIR states that "*there are three primary vantage points from which the site can be viewed*" and it goes on to describe where those sites are.

Saying that the site can be viewed from three vantage *points* is misleading. The site can in fact be viewed from three distinct sides but it is important to note that for each side there is a wide area from which the site can be seen. For example, the first considered in the DEIR is the side viewed from below. It is said to be from Sansome Street just north of Filbert Street. However the site is clearly visible from substantially further afield. The site is in plain view from Levis Plaza, surrounding streets, the Embarcadero and even the Bay. The proposed building will be in full view from these locations and the reader must understand that the view of the site from below is not limited to the area around Sansome and Filbert.

Further, the second of the three vantage points is described to be "*...from the Filbert Steps, from just east of Napier Lane to just east of Darrell Place*". This does not adequately describe how visible the site is from this "vantage point". The site and the proposed building will be visible to the same extent that the Grace Marchant Garden is visible from the Filbert Steps. That is to say that as one descends down the Filbert Steps, the Garden will be visible and with it, the enormous bulk of the proposed building as a backdrop. Moreover it will be visible the entire length of Napier Lane, the City's last surviving wooden boardwalk alley, another contributing element of the Historic District, where it will act as a backdrop to the many nineteenth century wooden two and three story structures that continue to exist there today. This must be made plain to the reader. Appendix F contains two photo-simulations of the proposed building showing the enormous bulk of the building as it would appear from the north.

On page I-4, in paragraphs 1, 2 and 3, the DEIR has identical sentences stating "*when compared to pre-1992 conditions when the McNear building was located on the site, the project would result in only a minimal change*". These sentences are made in reference to visual quality from the three vantage points that the DEIR considers. Again, we do not believe that it is appropriate to compare the proposed project to what was previously on this site, however as the writer of the DEIR has made this inappropriate comparison we feel compelled to point out the inaccuracies therein.

These identical sentences on page I-4 are not correct. The McNear building, when viewed from the Filbert Steps and the Grace Marchant Garden was not "*an eastward extension of the existing*

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building wall on the north side of Alta Street" I-4, paragraph 2) as the proposed building would be but it was rather, a step down from the existing building wall on the north side of Alta Street. The top of the McNear building, as can be clearly seen in Figure 8 on page III.B-4, was almost two stories below the top of the proposed building causing an important "step down" of that building wall (as Article 10 Appendix G, Section 7 (d) would indicate that it should). Appendix D to this report shows a view of the McNear building from the north side which again demonstrates the step down. This should be compared to the north elevation of the proposed structure which has no such step down. The Historic District ordinance in fact requires that buildings be contained in an envelope that slopes with the slope of the property (Article 10 Appendix G Sec 7 (b)). The subject property slopes dramatically to the east (as well as to the north) yet the proposed building's profile has no stepping down to the east nor does it step down from the adjacent building (34 Alta St.) in a similar manner to the previous building. The proposed building will not be in any way a *minimal change* from the previous building.

That existing building wall is a dominating visual backdrop to the Garden. The proposed project will serve to extend that building wall eastward and make the visual backdrop substantially worse and overwhelming.

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CONT.

The McNear building, when viewed from Alta Street, was very different, visually, when compared to the proposed building. Appendix D shows a side-by-side comparison of the two elevations with the same scale. The proposed building is 32 feet above Alta Street and 45 feet wide whereas the McNear building was 15 feet above Alta Street and 34 feet wide. The surface area of the proposed building facing on to Alta Street is almost three times that of the previous building. Within the context of this small street one can hardly describe the difference as "minimal change".

The top of the building will rise some 100 feet above the center of the Garden and will be, 100 feet horizontally distant – in contrast the previous building rose 75 ft at a distance of 130 from the Garden center. The "building wall" when viewed from the Garden will be extended effectively 40 feet to the east (when measured with the cantilevered terraces) or almost twice the width of the previous building. The DEIR describes all of this as only a "*minimal change*". This is not so. The change in size and perspective, so close to the Garden, would substantially detract from the visual experience of the Garden.

The cumulative effect of extending that building wall has not been analyzed as is required by CEQA.

The DEIR when discussing the view of the building from Alta Street again states that it would result "*in only minimal change*". There is no analysis to support this. In Appendix D to this report there is a to-scale comparison of the proposed building's Alta Street elevation with that of the prior building.

(ii) The proposed project will disfigure the cliffs. The DEIR on pages II-9 and III.E-9, describes the measures proposed as part of the slope stabilization efforts. These include

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Installation of rockbolts on the bedrock slope to supplement those installed in 1993.
Installation of gabion wire netting across the upper portions of the slope face
Guniting or shotcrete covering or structural wire mesh tied back with rockbolts
Installation of rock netting
Installation of drop inlet pipes, gutters, downspouts and interceptor drains

These slope stabilization measures will be on the cliffs below and to the north of the building site. In addition the proposed project would affect the cliffs by enclosing a portion of the cliffs behind skirt walls. The proposed building would cantilever out over the cliff edge and the eastern wall would be taken vertically down until it meets the rock slope (see Figure 6, East Elevation -- the area in the lower left of the elevation where there are no windows represents a skirt wall enclosing the cliff).

This combination of the skirt walls and the slope stabilization measures will result in the substantial disfiguration of those cliffs from their state today. The cliffs are a recognized important feature of the Telegraph Hill Historic District. Article 10 Appendix G Section 5 states "*The steep cliffs, a decisive factor in determining the historic development pattern of the area, are a highly significant aesthetically important component defining the setting of the District.*" The DEIR makes no analysis of the visual impact that the proposed slope stabilization measures and the skirt walls will have on the cliff. If that analysis had been performed it would determine that the cliffs would be substantially disfigured from their raw state today and that would be a significant impact.

(iii) The building would not be obscured by a tree as indicated on Figure 17. The DEIR states (III.C-11, paragraph 1) "*Much of the north elevation would be obscured by an existing large tree located at the southern edge of the Grace Marchant Garden....*". This statement is not correct. Firstly, the tree is deciduous and thus for many months the tree will not obscure the building at all. Secondly the tree is in fact, not densely foliated and the building behind the tree would be clearly visible. The photo-simulation in Figure 17 is misleading as the tree and the building are not differentiated by color or texture. In real life the building would be far more visible behind the tree than is shown in Figure 17. It would be more accurate to remove the tree from the photo-simulation and show the unobscured facade as that, in reality, is what an observer would see.

(iv) The proposed building would tower over the Grace Marchant Garden. The DEIR states (III.C-11, paragraph 1) "... *because of the steep slope of the site (and this the lower elevation of the vantage point) much of the face of each of the upper building planes would be partially obscured.*". What this is really saying is that the building so towers over the viewer in the Garden below (because the building is very tall and very close to the viewer) that the higher levels cannot be fully seen. This statement conflicts with the DEIR conclusion's, that the building "*would not substantially detract from the visual experience of the Garden*". A visitor to the Garden would be overwhelmed by the presence of the building. The visual experience would be substantially and negatively impacted.

F. Shadow

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CONT.

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B-34

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(i) Section 101.1(b) 8 of the Planning Code is not considered. The DEIR details Section 295 of the Planning Code (page III.D-2) and indicates that Section 295 does not apply to the proposed building as the Garden is not under the jurisdiction of the Department of Recreation and Parks. However, in reviewing the Planning Code the writers appear to have missed San Francisco's Priority Policies (Section 101.1(b)), the eighth policy of which, states "*that our parks and open space and their access to sunlight and vistas be protected from development*". The proposed building would cause shading on the Grace Marchant Garden which is a public open space under the care of the City as Conservation Easement holder. As such it would be plainly in violation of the Planning Code. CEQA guidelines, section 15125 require that "*the EIR shall discuss any inconsistencies between the proposed project and applicable general plans and regional plans*".

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(ii) The conclusions drawn are not based on the evidence in the analysis. The DEIR claims (III.D-3 paragraph 2) "*that the Project would add shadow to the Garden and adjoining areas for an interval of about two hours (10 am to noon PST) during two six week intervals – from late January to early March and from early October until late November*".

That claim is not supported by the DEIR's own analysis shown on Figures 20 through 22 (March 21) and 28 through 30 (September 21). Those Figures clearly show a shadow from the proposed building falling across the Garden on both of those days and for an interval of at least 3 hours to 12 noon. Those Figures support a conclusion which would read that the Project would add shadow to the Garden and adjoining areas for greater than 3 hours during two intervals of at least two months in duration (or one third of the year).

Furthermore we believe that if the analysis shown on Figures 20-22 and 28-30 were performed for 1 p.m. PST on each of the respective days it would continue to show a shadow cast across the Garden. The conclusion would then be that the shading interval was greater than 4 hours in length.

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The shadow on the Garden is at least 3 hours long (and probably 4) yet the DEIR states the additional shadow would only be for two hours. The shadow is demonstrated to occur on March 21 and September 21 yet the DEIR indicates there is no shadow after early March or before early October.

The analysis of the shadow contained in Figures 20 to 35 is reasonably accurate based on year round actual observations of the site but the conclusions in the text are erroneous.

We would also like to point out that there is an inherent weakness in the shadow analysis that has been performed using only four days in the year, (the equinoxes and the summer and winter solstices). For this particular site sloping as it does, upwards to the South and lying at this particular latitude, two of the days analyzed are of almost no value. At the winter solstice there is no sun on the Garden at any time of the day as the sun is at all times below the rise of the hill. At the summer solstice there is almost no shadow from any of the buildings around the Garden, until late in the afternoon, as the sun is high in the sky. These two days are therefore of little value in evaluating the shade that will be cast at other times in the year. Furthermore, the shading on the

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other two days, the two equinoxes, is in fact identical and therefore the data from these two dates really only represents an analysis of one day. The end result is that, although four days in the year were analyzed, there is in fact only one useful day's worth of data from the analysis and this is insufficient to support the conclusions that have been drawn.

In November 1997 the Alta Filbert Preservation Association submitted a study titled "22-30 Alta Street. An Analysis of Sun Angles" to the Planning Department (see Appendix B). This analysis approached the issue by taking a single point in the Garden and determining the numbers of days in the year when the proposed building would cast a shadow on that point. The angle of the highest point on the building was determined and then used to evaluate, from astro-navigation tables, on what days in the year, the sun's altitude would be higher or lower than this angle.

This analysis determined that the proposed building would cast shadow on that point in the Garden in excess of 100 days in the year **more than** that point currently receives. That is a significant impact.

We note that in a memo dated July 15 1998 to ESA (see Appendix L), Jim McCormick of the Planning Department requested that the "*apparent contradictions between the ESA shadow study and the analysis prepared by the Alta/Filbert Preservation*" be resolved. These contradictions have not, to our knowledge, been resolved by ESA, and they must be required to be resolved before definitive statements as to the effect of the shadow can be placed in the EIR.

(iii) The shadow that the proposed building would cast is not similar to that cast by the previous building. The DEIR states (III.D-3, paragraph 5) that "*referring to Figures 20-35, the shadow coverage from the proposed project would be similar in extent to that from the McNear building*". As we have said before, we do not believe that it is appropriate to compare the proposed project to what was previously on this site, however as the writer of the DEIR has made this inappropriate comparison we feel compelled to point out the inaccuracies therein.

Figures 20 - 35 show the shadow coverage on the subject property and the area immediately to the north including the Grace Marchant Garden, for four days in the year, March 21, June 21, September 21 and December 21. As we have stated above there is little value in the analysis of the shading on June 21 (the Garden is essentially in full sun) and December 21 (the Garden is in full shade). On the other two days, March 21 and September 21, the shading effect of the proposed building is the same on each day. For those two days, the shadow cast by the proposed building is clearly shown in the Figures alongside that of the previous building, the McNear building.

Figures 20, 21 and 22 represent the shading on March 21 at 9 am, 10 am and 12 noon and Figures 28, 29 and 30 represent the same for September 21. On each of these Figures the shadow that would be cast by the proposed building is clearly shown as is the shadow cast by the prior building.

- At 9 am the shadow falling across the Garden from the proposed building covers an area that is approximately four times larger than the shadow falling across the Garden from the previous building.

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CONT.

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- At 10 am the shadow from the proposed building falling across the Garden is approximately three times larger than that of the previous building.
- At 12 noon it is again approximately three times larger.

The conclusion that the DEIR has drawn, that the shadow coverage from the proposed project would be *similar in extent to that from the McNear building*, is simply not supported by the DEIR's own analysis. A shadow that is shown to be three to four times larger than its predecessor cannot be described to be *similar*.

(iv) The project would add new shadow on the Garden during the interval from early March until early October. The DEIR states on page I-5, paragraph 2, "*nor would the project add new shadow to the Garden during the interval from early March until early October.*" Figures 20 to 22 and 28 to 30 show that this statement is wrong. Those Figures show the shading effect caused by the project on March 21 and September 21 and clearly show a new shadow falling across the Garden on those days.

(v) The DEIR does not address the shadow as directed by the Initial Study. The Initial Study stated that the EIR would address the shadow impacts on "*surrounding properties and areas that are subject to regular public use, most notably the Grace Marchant Garden and the Filbert Steps.....*" (VIII-17).

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CONT.

On pages III.D-3, 20 and 22, the DEIR's narrative analysis of the shading effect is set forth and on pages III, D-4 through 19 and 21, the shading effect is depicted in Figures. The detailed narrative analysis (III.D-3 paragraph 5 and III.D-20 paragraphs 2 & 3) addresses the shading of "*the Filbert Street right-of-way*". This is not sufficient and does not conform to what has been required by the Initial Study. The Filbert Street right-of-way only covers part of that area that is subject to regular public use. The Garden, as the DEIR elsewhere correctly notes, falls across adjoining properties including the subject property. The detailed narrative analysis must be revised to reflect what the Figures on pages III.D-4 through 19 show with respect to shading of the whole Garden, not just that portion in the Filbert Street right-of-way.

Notwithstanding that the analysis of Figures 20 through 35 focused on the Filbert Street right-of-way, not the Garden, and the Fisheye analysis was done from one location not representing the Garden as a whole or the worst case, the conclusions laid out in Evaluation of Impacts refer to the "Garden". Those conclusions, that the proposed project would add shadow for an interval of about two hours during two six week intervals, cannot be drawn from the analysis performed. The analysis does not analyze that which the Initial Study required.

(vi) The fish eye analysis (III.D-20). The Sun Path or "Fisheye" Analysis that is described on page III.D-20 and is shown in Figure 36 is stated to be from a location in the Filbert Street right-of-way that is "*the worst case view from outside the property but within the Garden*". This is not the case. As noted elsewhere, the Garden falls across adjoining properties. The worst case view outside the property but within the Garden would be on one of those adjoining properties, on which the City holds Conservation Easements for public enjoyment (see Appendix I), and not in the

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Filbert Street right-of-way. Additionally, if the writer of the DEIR desired to get a worst-case-view, the Fisheye analysis should have been done from the location inside the Garden closest to the proposed building regardless of whether in the Filbert Street right-of-way or the subject property or adjoining properties. The results would be very different from the so called "worst case" scenario shown.

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CONT.

In addition we do not believe the previous building is accurately represented in the diagram. The previous building was lower than that proposed today, further back and a third less wide – it appears to be misrepresented in the fish eye analysis.

(vii) Cumulative effect of the shadow has not been analyzed. The DEIR indicates that "shadow is cumulative" (page III.D-22, paragraph 3) and goes on to state that "because there are no other reasonably foreseeable projects that could add shadow....no cumulative impacts are anticipated".

CEQA requires that past and present, as well as future, projects be included in an adequate discussion of cumulative impacts. The natural topography around the Grace Marchant Garden causes some degree of shading (even if there were no buildings). The cumulative effect of the buildings on the north side of Alta Street (principally 34, 40, 50 and 60 Alta Street) together with the building to the west of the Garden (261-265 Filbert Street) is to place shadow on the Grace Marchant Garden for long periods of each day throughout many months of the year. The proposed project, by "extending the existing building wall" (DEIR page III.C-11, paragraph 2) would extend that period of shadow by creating additional shade, generally in the morning, on the Grace Marchant Garden. The cumulative effect of the proposed building together with that of the existing buildings would result in shading the Garden from approximately 10.00 a.m. in the morning for the rest of the day from at least September 21 to March 21. That is to say that the cumulative effect would deny this Garden's access to direct sunlight for the majority of the day for at least half the year. That is a significant effect.

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(vii) The standard set by Section 295 should be applied. The DEIR refers to Section 295 as we have mentioned above. Section 295 was enacted to protect certain public open spaces from shading by new buildings. Strictly speaking Section 295 does not apply in this instance because the open space in question is not under the jurisdiction of the Department of Recreation and Parks. However the limitations imposed by Section 295 are worth considering. Section 295 was not intended to prohibit every new development that caused shading on open space and a "significant shading" qualification was included in the Ordinance such that only those developments that cause shading between one hour after sunrise and one hour before sunset were to be denied. In the subject proposal there is no question that the shading caused would very substantially violate this one hour after sunrise, one hour before sunset limitation. Clearly under Section 295 the shading caused by the proposed building would be considered significant. The EIR should judge this shading by this local standard and should also find it to be significant.

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G. Geology

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(i) The Cotton Shires report is not sufficiently reviewed. The DEIR states (III.E-1 paragraph 1) that a geotechnical and geologic feasibility study was conducted by Rogers/Pacific in July 1996 and that a second analysis was performed by Cotton Shires and Associates in 1998. The Rogers/Pacific study analyzed the geologic conditions and provided recommendations for the foundation design for the proposed building. The Cotton Shires analysis reviewed the Rogers/Pacific analysis and commented thereon. The Cotton Shires study is included in our comments under Appendix G (i).

What the DEIR has failed to note is that the Cotton Shires report recommends that further analysis be done. The Cotton Shires reports acknowledges that *"it is our opinion that the project geotechnical consultant has generally performed a thorough geologic feasibility investigation of an extremely difficult site."* But it then goes on to describe four areas where it recommends that further analysis needs to be done. The report then states *"should the results of the above recommendations be favorable for site development, the following items should be addressed"*. The report then outlines five specific additional recommendations for the foundation design.

B-39

The Cotton Shires report, in summary, does not endorse the Rogers/Pacific report but rather it says that its an *extremely difficult site* and that further analysis should be addressed. The DEIR dismisses these points by saying *"all the measures recommended in the two reports were accepted by the project sponsor"*. Furthermore the DEIR on page III.E-11, paragraph 3 states *"the geotechnical reports found the site suitable for development provided that the recommendations included in the report were incorporated into the design and construction of the proposed development:"*. That statement is not true. The Cotton Shires report (see Appendix G), as stated above, recommended that further analysis of the existing conditions be done before the site be judged favorable for development.

The DEIR cannot state that the site is suitable for development (and therefore poses no significant impact on the environment) until the analysis is complete.

(ii) Rockfalls are not expected to occur on the project site if the site is left in its current state. The DEIR on page III.E-9, paragraph 9, states *"Absent the above measures, rockfalls would be expected to occur from the steep slope east of the proposed project."* The measures referred to are slope stabilization measures including the installation of rockbolts, gabion wire netting and gunite or shotcrete.

This statement appears to conflict with previous statements made by the City and County of San Francisco and its consultants and with the statement on page III.E-3, paragraph 4, which says *"at this time, there are no requirements or plans for further stabilization of the slope, absent construction of the proposed project"*.

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Following the massive slide in 1992 which undermined the previous building and the retaining wall on Alta Street, the City and its consultants undertook a substantial amount of work to rebuild Alta Street and to stabilize the rock slopes. One of those consultants was Rogers/Pacific, the project sponsor's own consultant for the proposed project. In addition the slope stabilization

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measures which were performed then were done by Soil Engineering Construction Inc. a firm owned by one of the three principals representing the project sponsor and whose Chief Financial Officer is one of the other two principals.

Rogers/Pacific, in their report to the City dated July 22, 1992 (see Appendix H) stated that they had performed a geologic investigation of the site and that it was their understanding that the City "plans to stabilize the affected portion of the existing rock face to minimize the potential for future rockfalls.....". Rogers/Pacific subsequently, in their December 3, 1993 report (see Appendix H) after the work was done, stated ".... it is our opinion that the rock bolting and netting operations were performed in general conformance with our recommendations."

Furthermore, pursuant to a Tri-Party Settlement Agreement dated July 11, 1994 (see Appendix H), reached between various litigants following the 1992 rockslide, the City and County of San Francisco made the following representation

"CCSF shall and hereby does represent and covenant that it is not currently aware of any additional stabilization work which must be performed upon the Property (22-30 Alta Street) to make the Property suitable for building and construction thereon and that to the best of its knowledge, the Property presents no further imminent hazard to life or safety either to those who build upon it or to the adjacent or downhill landowners."

In summary, between 1992 and 1994, the City, two of the principals representing the project sponsor, and the geotechnical consultant together effected slope stabilization measures which they then agreed were satisfactory. The same parties are now saying that those measures were not satisfactory.

If the measures taken in 1992/3 were satisfactory the reference in the DEIR must be deleted. If the measures were unsatisfactory the DEIR cannot rely upon these sources for valued input and the project sponsor must not be allowed to proceed with this project for fear that five years thereafter, the constructed building and foundation will be found to be unsatisfactory.

(iii) Geotechnical/Geologic review by Alan Kropp & Associates. Because of our considerable concern as to the wisdom of constructing so large a structure on this "extremely difficult site", we asked the firm of Alan Kropp & Associates to review the site and the findings of the sponsor's consultants Rogers/Pacific. The report submitted by Alan Kropp & Associates is attached as Appendix G (ii).

This report also recommends that further analysis be done. Selected comments from the report include:

"Taken as a whole, the structural data and geologic mapping do not seem adequate to characterize geologic conditions throughout the area of concern for the proposed project".

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"Because we believe that the geologic characterization of the sandstone area is insufficient to characterize geologic conditions and perform the appropriate analysis, we are unsure whether or not the planned rock bolting will be adequate. If further investigation finds additional potential for instability, a significant number of additional rock bolts or other types of mitigation may be required in this area".

"We noted that the foundation plan relies heavily on the stability within the sandstone portion of the slope to support the phyllite and provide lateral confinement for the recommended deep pier foundation. As such, the stability of the sandstone is a critical issue. As stated above we believe further investigation and analysis will be necessary in order to better define geologic conditions within the sandstone area."

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The EIR must incorporate the findings of Alan Kropp & Associates and further investigation and analysis must be completed, as recommended by both Cotton Shires & Associates and Alan Kropp & Associates, before the site can be deemed suitable for development.

(iv) The DEIR must address whether the foundation design is the most appropriate for this site. The DEIR fails to address whether the proposed foundation design for the proposed building is the most appropriate on this extremely difficult site. We understand from discussions with experts that it is customary in difficult hillside construction such as this to provide lateral stability to the foundations by the use of tie backs which, in effect, lock the foundation into solid material significantly deeper into the hill. It was this type of tied back foundation that was recommended and incorporated into the construction of the retaining wall that the City built at the end of Alta Street (adjacent to the subject site) in 1992 and 1993. That retaining wall, which was built to withstand the weight of the street, was constructed over a single row of drilled piers and was given lateral stability through a series of tie backs that ran under the street and under adjoining properties on the south side of Alta Street.

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The DEIR must examine whether this type of foundation design would be more suitable for this particular site.

H. Alternatives to the Proposed Project

(i) The alternative project (Chapter VI) has not been treated with the seriousness that it deserves. The sponsors and their consultants have elected to consider an almost exact replica of the prior building as their alternative. This is not a serious alternative as, without parking, such a project would be flawed from the start. The sponsors might just as well have proposed an alternative without bathrooms.

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Furthermore the DEIR states that the sponsors rejected this proposal because, in addition, it *"could not generate enough revenue to fund adequate slope stabilization measures for the site"*. There is absolutely no evidence to support this claim. In fact, on the contrary, there is evidence to support the argument that a substantially smaller building would not only fund the slope stabilization

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measures but also return for the investors a substantial return. This conclusion is based on a) the purchase price of the site which already discounted the cost of the slope stabilization measures, (we understand the purchase price was \$160,000 based upon the Assessor's office revised valuation of the property subsequent to the purchase) and b) the actual cost to the City of the reconstruction of Alta Street in 1992 and 1993 which was performed by two of the three principals representing the project sponsor and which represents a similar foundation construction job. The contract for that job is included as Appendix O and shows a total cost of approximately \$780,000 which includes over \$100,000 in respect of street improvements which would not apply in this case.

As pointed out by our attorney CEQA requires the EIR to "*describe a range of reasonable alternatives to the project....*". The one alternative that is proposed in the DEIR and which provides no parking cannot be considered reasonable.

A range of reasonable alternatives would appear to include

a) No project. The site would be left in its current state in order to avoid the environmental impacts that development would cause (principally the impact on the Garden and the cliffs). The DEIR indicates that such an alternative would not benefit from the slope stabilization measures that are proposed to be part of the project. However, as we have noted in Section G.2. above the City and members of the project sponsor's team are on record as having stated that the slope stabilization measures currently in place are satisfactory.

b) A project that would be compatible with, and meet the requirements of the Telegraph Hill Historic District (Article 10, Appendix G). This would be a structure that would be compatible to nearby Contributory buildings and conform to the Guidelines listed in Section 7 of the Ordinance. This alternative was encouraged by the Architectural Review Committee of the Landmarks Board. This alternative would be smaller in bulk than the previous building that occupied the site because it would fill in the gap between 34 Alta Street and would be excavated to a similar extent as the proposed building. However, because of the logistics of the site, it would most probably place some shading on the Garden (but less than the current proposal and less than the previous building).

It would also result in some disfiguration to the cliffs, but less, we believe, than the current proposal. This alternative would employ a foundation supported by a retaining wall secured by tiebacks as was done for the restoration of Alta Street in 1992/3 and would probably not require as much surface strengthening as the proposed design and therefore, possibly less slope stabilization measures on the surface of the cliff.

This alternative, if built within an envelope of not greater than one story at Alta Street, not wider than the previous building and only marginally deeper than its neighbor at 34 Alta Street, would result in a single family residence of over 3000 sq. ft. plus a two car garage. Four bedrooms could be accomplished and this would be far less damaging on the environment than the current proposed building. Appendix C of this report shows plans and elevations of a proposed alternative that could be built on this site. This could be built as a luxury home and, based on today's real estate market,

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would return to the sponsors a substantial profit on their investment even after paying for the cost of the extensive foundation.

c) A replacement of the prior structure to occupy the site. This alternative, considered and rejected by the sponsor because it had no parking, could be rebuilt with parking. It would provide similar accommodation space as Alternative b) above but at a greater cost to the environment. This alternative would place greater shade on the Garden and result in similar cliff disfiguration to the proposed project. It would be environmentally superior to the proposed project, as stated in the DEIR, but would not be as environmentally sensitive as Alternative b). This alternative could be built with five bedrooms and would meet all the sponsor's objectives.

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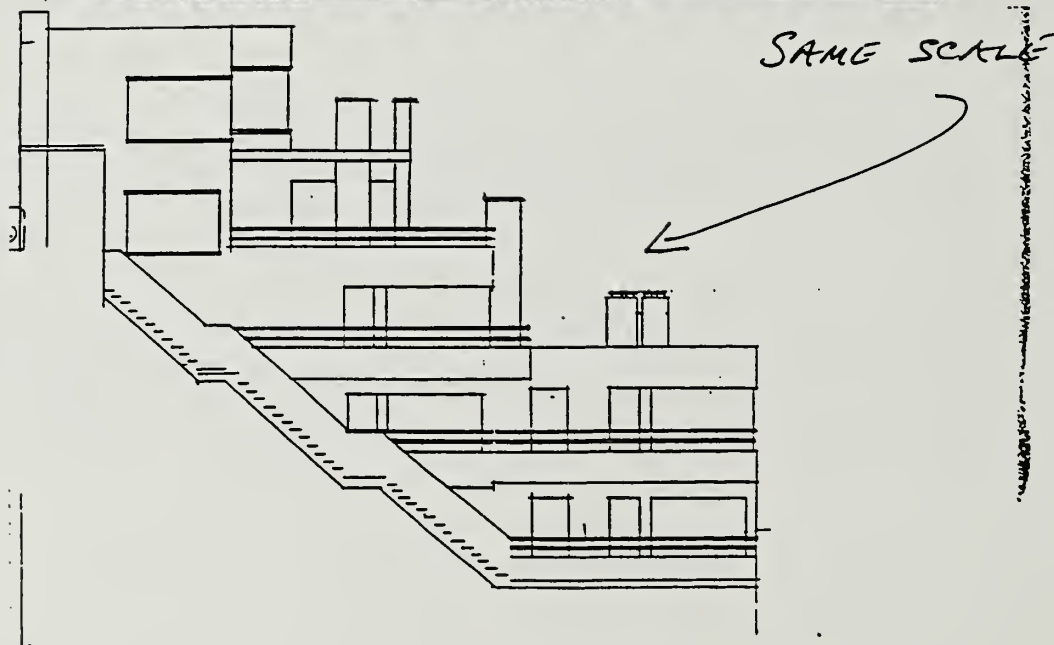
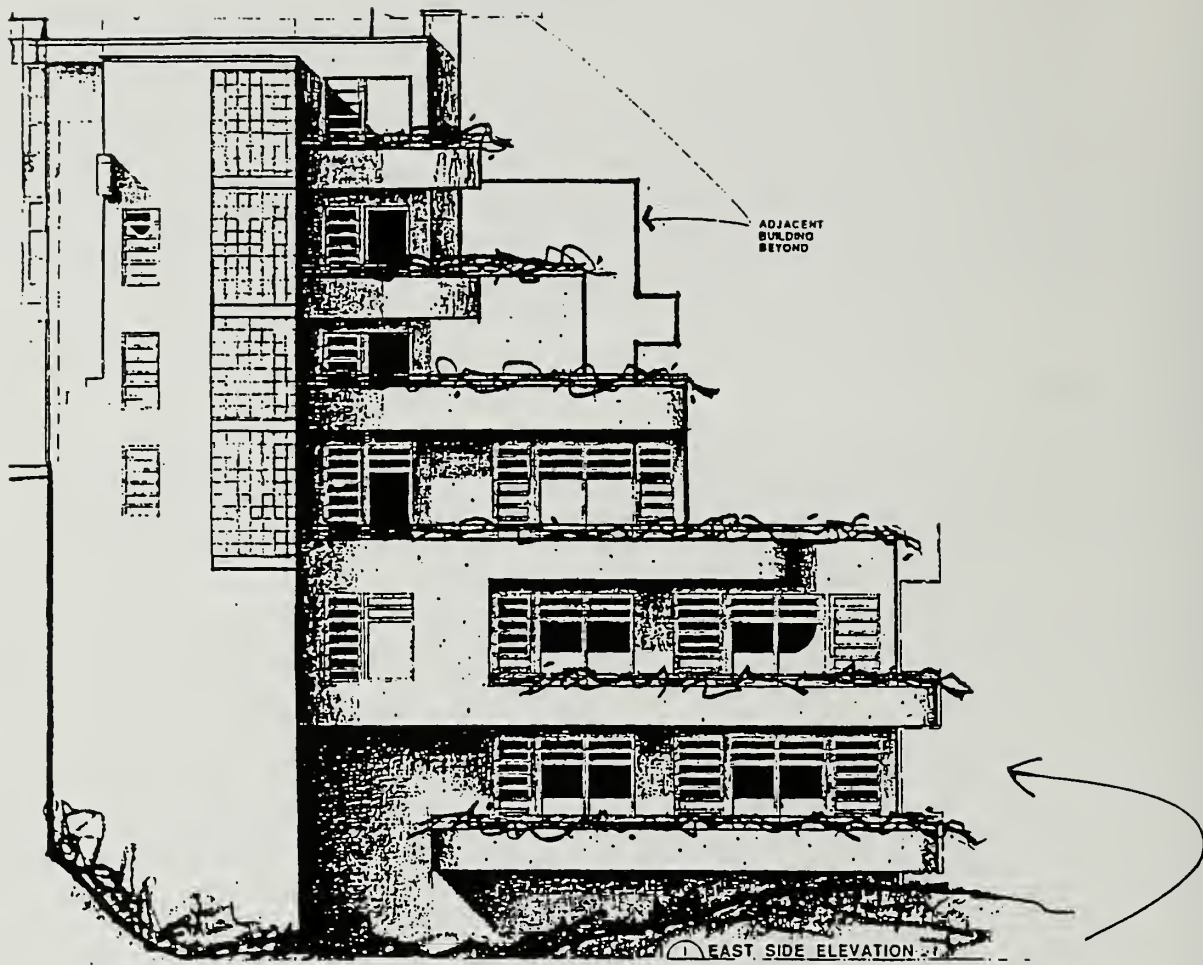
I. Biology

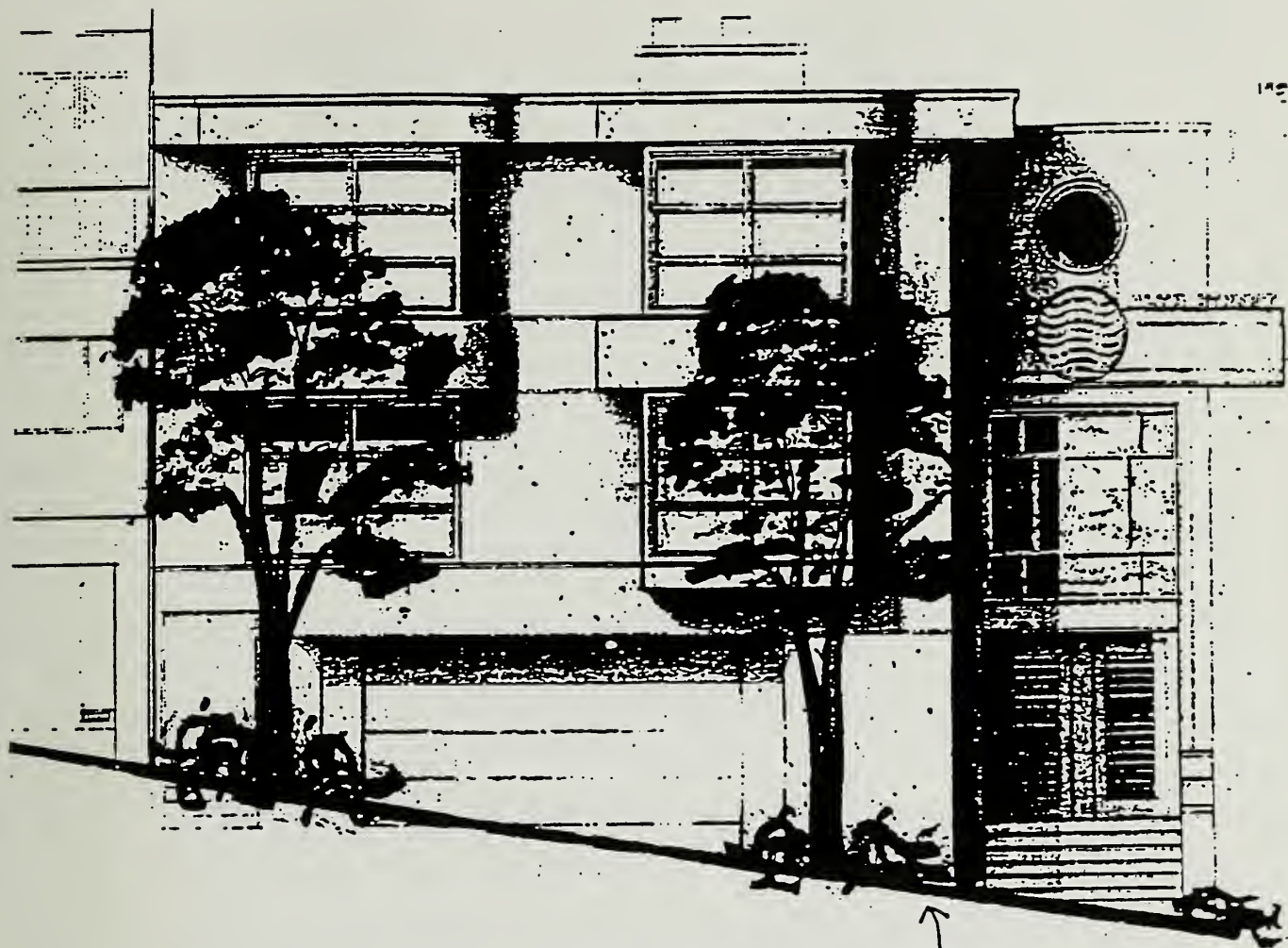
(i) The description of the Grace Marchant Garden contained on page III.F-1, paragraph 3 and shown on Figures 38 and 40 is not correct. Please refer to section I (ii) above for a more accurate description of the Grace Marchant Garden. Figures 38 and 40 should be amended to correctly reflect the extent of the Garden.

B-44

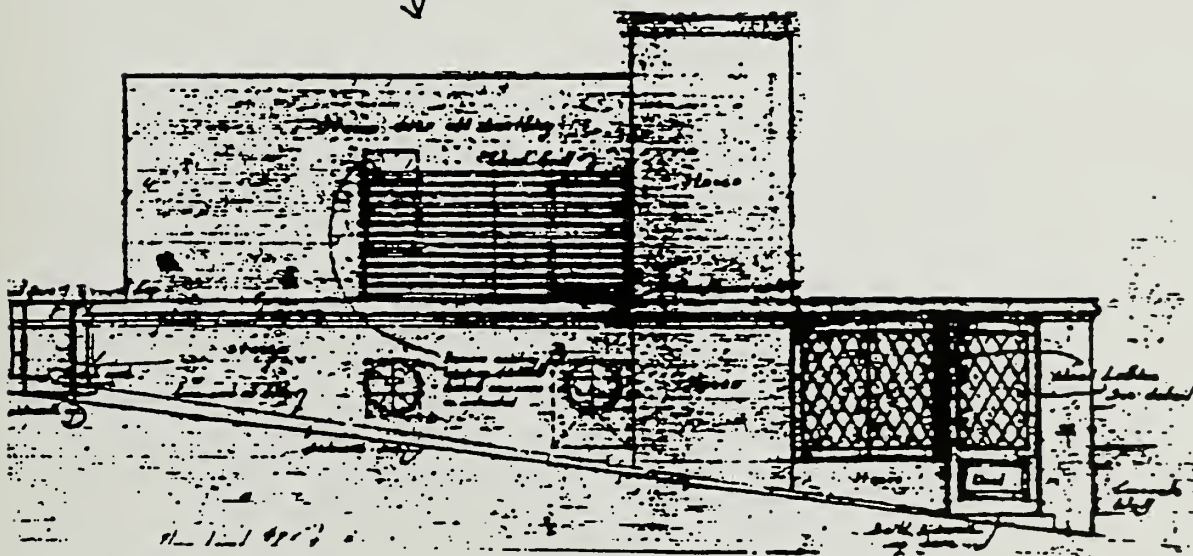
(ii) The DEIR on page III.F-11, paragraph 3, indicates that "*there would likely be detectable adverse effects on these plantings*" (roses) caused by the project. That conclusion has been drawn based on the amount of additional shade that the project would cause in the area of the Garden where roses are planted. The DEIR does not analyze the cumulative effect of the shading caused by the project together with the shading caused by the existing buildings to the north and west of the Garden, and the natural topography, as is required by CEQA. The cumulative effect of the shading would be to place areas of the Garden in shade from before 10.00 am for the rest of the day from at least September 21 to at least March 21. That is to say that the cumulative effect of the shading is to deny this Garden's access to direct sunlight for 6 months of the year for the majority of the day. The EIR must analyze the cumulative effect of shading on the sun sensitive plants in the Garden.

B-45





SAME SCALE



ALTA STREET

LETTER B – TELEGRAPH HILL DWELLERS, ALTA/FILBERT PRESERVATION ASSOCIATION, AND FRIENDS OF THE GARDEN

NOTE: This letter includes a number of exhibits that are not reproduced but are on file at the San Francisco Planning Department. Two of the exhibits are included at the end of the letter.

- B-1) Please see the response to Comment A-20.
- B-2) Please see the response to Comment A-9.
- B-3) Please see the response to Comment A-18.
- B-4) The term “dimension” is used here instead of “height” because the latter term has a very specific meaning according to the Planning Code (§102.12). Under the Code, “height” for downward sloping lots is determined by measuring from the curb to the top of the structure at the centerline of the building for the first 100 feet of the lot. Any portion of the lot extending beyond the initial 100 feet from the street (in this case Alta Street) is to be considered an upward sloping lot, and measured at the curb of the building (or building step) for the closest part of the building within 10 feet of the property line of the street on that side of the lot.
- B-5) The correction noted by the commenter has been made to the last sentence of paragraph 3, on Page I-1 and the last sentence of paragraph 1 on page II-3 as follows (new language is underlined; deleted language is indicated with ~~strikethrough~~):
- An existing low concrete wall that runs along the eastern edge of Alta Street, and that was extended in front of the entire length of the project site subsequent to the previous building located on the site being torn down, would be altered to removed the portion of it that extends along the project site.
- B-6) Please see the response to Comment A-18.
- B-7) The proposed project is in compliance with required setbacks for development on the site. The commenter stated that the adjacent vacant lot to the east fronts on Filbert Street and not Alta Street, however, that is incorrect. In fact, the adjacent vacant lot to the east fronts on both Filbert and Alta Streets (the Alta Street right-of-way extends to Sansome Street), therefore allowing the smaller rear yard setback. The commenter notes correctly that §134(c)(4)(B) disallows rear yard reduction if the adjacent *building* (emphasis added) fronts on a different street. The lot is vacant and, thus, the 75 percent coverage assumption is appropriate. It should be noted further that an additional 12-foot projection into the rear yard of one or two-stores is permitted per §136(c)(25). Thus, the project could extend further than currently proposed without a variance or other special authorization.

- B-8) The statement that the site drops “more than 60 feet vertically over its 120 foot horizontal length” is correct as it appears in the DEIR on page II-1. This measurement is based on the difference between the highest point on the southern property line and the lowest point on the northern property line. The commenter’s suggestion that Figure 40 in the DEIR demonstrates that the site drops more than 110 feet vertically over its 120-foot horizontal length is not correct because it uses an elevation on the eastern side of the site that does not reflect the entire length of the site, and in fact represents only one small point on the site, where the cliff begins to drop towards Sansome Street.
- B-9) The commenter is incorrect in stating that the proposed building is planned to be as wide as can possibly be built. There is no evidence to suggest that, if so desired, the sponsor could not propose a structure that is wider (east-west dimension) than the proposed project. Design and construction of such a building could be economically undesirable for this sponsor, but would nonetheless be physically feasible. It is also incorrect to suggest the project is as deep as possible on the lot as explained in the previous response. Further, the DEIR’s statements that the project “would cover about 36 percent of the lot” and that “it is likely that portions of the site are not suitable for development,” are both correct and are in no way misleading.
- B-10) The “natural grade” as the commenter refers to, is not a relevant figure for EIR analysis, as is standard for San Francisco EIRs. The existing condition, on which the EIR analysis is based, is represented by the grade as it exists today.
- B-11) This comment does not address the adequacy of the EIR. It should be noted however, that regardless of whether or not the sponsor’s objectives are achieved by the proposed project, the City (in particular, the Planning Commission) will make its own findings about the appropriateness of the project, and will use the DEIR as part of that decision-making process.
- B-12) Please see the response to Comment A-3.
- B-13) Please see response to Comment A-4.
- B-13A) Please see the responses to Comments A-3 and A-10.
- B-14) For the purposes of clarification, the third and fourth sentences of paragraph 4 on Page I-2 are changed as follows (new language is underlined; deleted language is indicated with ~~strikethrough~~):

According to the project sponsor, subsequent to discussion with the neighborhood regarding two earlier designs, one of which was reviewed by the Architectural Review Committee of the Landmarks Preservation Advisory Board (LPAB), ~~the project’s height, bulk, and square footage were all reduced in response to neighborhood concerns. On November 5, 1997, a public hearing before the Architectural Review Committee was held November 5, 1997,~~ regarding ~~the sealed down a third~~ proposal by the project sponsor. ~~at which~~ At

this hearing, members of the public and the Architectural Review Committee
~~again~~ expressed their concerns about the proposed design.

B-15) Please see the response to Comment A-6.

B-16) Please see the response to Comment A-3.

B-17) As stated in the response to Comment A-3, the DEIR analyzes effects on the District, including its various non-architectural elements, including the Filbert Street Steps, Grace Marchant Garden, and the steep cliffs.

B-18) The DEIR clearly states (on page III.B-17) that the proposed project would be taller, wider, and larger than the McNear building, that its materials and features would “recall the previous contributing structure,” and that it is the “degree of change” between the two structures that would be insufficient to affect the status of neighboring structures. Thus, while acknowledging that the project would replace a residential structure that previously occupied the site, the DEIR does not suggest that the project would be the same as or a copy of the McNear building.

B-19) The commenter is correct in stating that it is very unlikely that a single building could affect the status of an existing Contributory building, but the exclusion of such language in the DEIR (despite its obviousness) would have nonetheless been an inappropriate omission. The statement to which the commenter refers does not adequately emphasize the primary point that this paragraph is intending to present, which is communicated in the first sentence of the paragraph by stating that the project would not “. . . irreparably or substantially alter the historic setting as a character-defining feature of the district or the nearby buildings.” To clarify this point, the last sentence of the first full paragraph on page III.B-17 of the DEIR is changed as follows (new language is underlined):

While the proposed building would provide parking, and would be taller, wider, and enclose more square footage than its predecessor, the degree of change would be insufficient to adversely affect the overall character of the district (including any neighboring building’s Contributory status).

Further, the compatibility of the proposed project with the Planning Code will ultimately be determined through the Certificate of Appropriateness review process, a process separate and distinct from the preparation and review of an EIR.

B-20) Please see the response to Comment A-7.

B-21) The commenter is correct in noting that the components of the Telegraph Hill Historic District have changed since its adoption in 1986. To clarify this point, the third sentence of paragraph 3 on Page III.B-1 is changed as follows (new language is underlined; deleted language is indicated with ~~strikethrough~~):

~~As~~ When adopted by the Board of Supervisors in 1986, the district contained ~~s~~ 80 structures on 88 parcels, including: 44 contributing structures; 10

altered/contributing structures built during the district's period of significance but lacking in integrity; 26 non-contributors that were built after 1941 that presumably lack architectural and/or historic significance; and 15 undeveloped parcels that are neither contributing or non-contributing because they are street rights-of-way or vacant lots. Since 1986, two Contributory buildings have been demolished (including one on the project site), two vacant lots have been built upon, and numerous structures have been altered.

- B-22) Please see the response to Comment A-2.
- B-23) Please see the response to Comment A-4.
- B-24) The second sentence of paragraph 2 (first full paragraph) on page III.B-14 is deleted.
- B-25) The statement that "the proposed project would appear as if an additional story were placed in the middle of the prior building, between levels two and three, . . ." is merely meant to communicate the general visual difference in massing of the two buildings, as demonstrated in Figures 12 and 13. Similarly, the statement that "the overall effect of the proposed project would be an increase in height of approximately one story" refers to the fact that the proposed project would be six levels, compared to the McNear building's five levels. Regarding the square footage, please see the response to Comment A-18. As indicated there, when compared using the same measure (occupied floor area, plus the garage in the case of the new building), the increase in square footage between the prior building and the proposed project would be approximately 4,800 sq. ft. (If the gross floor area – including exterior wall thicknesses – of each building is used in the calculation, the difference is approximately 4,900 sq. ft. The number suggested by the commenter appears to count gross floor area of the new building and occupied floor area of the old.)
- B-26) The DEIR does not state that the project site is within a subarea *of* non-contributory buildings, it states that the project site is within a subarea of the district that "*contains*" large, non-contributory buildings. This statement is correct, since this subarea (not an actually delineated area) of the district does contain large (relative to Contributory buildings, particularly 221 Filbert Street and other cottages along the Filbert Steps), non-contributory buildings. In fact, the three buildings directly to the west of the project site on the north side of the street are large, non-contributory structures and three of the buildings on the eastern half of the south side of the street are non-contributory buildings.
- B-27) This statement is a fact provided for the reader's understanding of the site and its context. Comment noted.
- B-28) According to the project sponsor, the model of the McNear building, as shown in Figure 12 of the DEIR, is not showing a stair tower at the southeast corner of the site, but rather a covered entrance that led to the set of external stairs on the eastern face of the building. In the absence of topographic data from before the McNear building was removed from the project site, data from the site's existing contours were used for the model of the proposed project (as shown in Figure

13 of the DEIR) as well as for the McNear building model. As such, what the commenter suggests appears as an enclosed stair tower is in fact merely the project architect's effort to depict how the covered entrance was structurally supported, which may, in fact, have actually been covered in soil and therefore not visible. Since the primary purpose of providing images of the two models is to allow for a comparison of the general massing and form of the two structures, no changes are necessary to Figures 12 and 13 for them to achieve that purpose. (In fact, the model shown in Figure 12 is quite similar to the McNear building shown in Figure 8.)

- B-29) Because the proposed project would be larger than 221 Filbert Street and surrounding buildings does not mean that the project would visually alter the overall residential character of the neighborhood. The project would be visible from many locations and would be prominent given its size and location, but it would neither result in a demonstrable negative aesthetic effect or block scenic views from public areas. Further, since as a result of its scale the project would not be visible from vantage points other than those that currently allow for views of the vacant site, the DEIR stated that the project would not be of such a scale as to stand out from locations other than those with direct views of the site.

In addition, although as stated in the DEIR, "most of the buildings immediately surrounding the site" are not of a Modern style and building materials, the surrounding neighborhood does include Modern buildings constructed of materials similar to that of the proposed project. As such, as stated in the DEIR on page III.C-10, the project would not introduce building materials or an architectural style that are foreign to the surrounding neighborhood. Also, see response to Comment A-12.

Further, the commenter's suggestion that the DEIR's analysis regarding the proposed project's compatibility with the residential character of the neighborhood would equally apply to a 30-story apartment building, is incorrect. The proposed project conforms to the low-scale, moderate residential density of a R-3 zoning district and 40-X height and bulk district. These regulatory limitations would preclude construction of a 30-story apartment tower and therefore such a proposal would not be similarly evaluated as compatible with the neighborhood's residential character. (Also, see the last paragraph of the response to Comment A-5.)

- B-30) Please see the response to Comment A-13. To further clarify this issue, the first sentence of the first paragraph under the heading "Views of Site" on page III.C-2 of the DEIR is revised as follows (new language is underlined; deleted language is shown in ~~striketrough~~):

There are three primary representative views in ~~vantage points from~~ which the site can be viewed prominently from public viewpoints: the intersection of Sansome and Filbert Streets, the Filbert Steps, and Alta Street east of Montgomery Street.

- B-31) The statement on pages III.C-10 and 11 (and in the Summary on p. I-4) of the DEIR that "When compared to pre-1992 conditions, when the McNear building was located on the site, the project would result in only a minimal change" is made in reference to the difference in the views from

the representative vantage points studied in the DEIR. While the proposed project would be taller, wider, and extend deeper on the site than did the McNear building, in terms of the difference in views (what would and wouldn't be seen as a result of the building's placement), the analysis of the effects on views on pages III.C-10 and 11 demonstrates that there would not be a substantial change. Regarding the cumulative effects related to the proposed project, see response to Comment A-8.

Further, as argued by the commenter, the conclusions about the level of effects on the environment of the project have not been evaluated based on a comparison to 1992 site conditions, but instead relative to existing vacant conditions on the site. As noted previously, with respect to various aspects of the project, comparison to the McNear building provides an informational frame of reference to recent conditions on the site. They are not the basis for environmental conclusion, i.e. project effects.

- B-32) See response to Comment A-3.
- B-33) The DEIR acknowledges that the tree could potentially be removed from the site as stated on page III.C-11: "Much of the north elevation would be obscured by an existing large tree located at the southern edge of the Grace Marchant Garden within the project site, but if the tree were to someday be removed, the entire façade of the lower mass would be visible." The DEIR thus analyzes an even more conservative view of what the site would look like if the tree were without its leaves. Further, Figure 16 is a photograph of the site that shows the tree as it appears currently on the site. Figure 17 is a photosimulation of what the proposed project would be expected to look like, and although an exact depiction is impossible, the photosimulation provides a fair and faithful representation.
- B-34) There is no inherent contradiction between the conclusion of the DEIR that the proposed project would "not substantially detract from the visual experience of the Garden" and the statement in the DEIR that acknowledges the project would be built on a steep slope (above the Garden). These statements are both correct.
- B-35) As stated in the response to Comment A-1, project compliance with the San Francisco Planning Code, including Section 101.1 (Proposition M Priority Policies) is properly evaluated separately from a project's physical environmental effects; the project case report will address compliance with Planning Code Section 101.1, as well as other Code sections applicable to use, height and bulk, parking, the sponsor's application for a Certificate of Appropriateness under Article 10, and other matters of purview under the Code. The EIR adequately evaluates the project's physical impacts, including effects of shadow on the Grace Marchant Garden and the Filbert Street Steps (discussed in detail in sections III.D, Shadow, and III.F, Biology, of the DEIR), and provides sufficient information for the decision-makers (the Planning Commission) to determine the physical effects of project construction. Further, Section 101.1 of the Planning Code does not preclude the casting of any new shadow, rather it puts limitations on when, where, and under which circumstances new shadow can be cast.

- B-36) The commenters correctly point out that the DEIR text, particularly the first two full paragraphs on p. III.D-3, is not consistent with the shadow analysis presented in Figures 20 through 35. While the figures accurately portray project shadow effects, the two paragraphs of text refer to the sun path or “fisheye” analysis depicted in EIR Figure 36, p. III.D-21, which portrays shadow effects on a point within the Garden at the northern edge of the project site.

To make the EIR text consistent with the analysis depicted in Figures 20 – 35, the first two paragraphs under “Evaluation of Impacts” on p. III.D-3 are revised as follows, and are moved to the discussion of the sun path analysis, becoming the first and second full paragraphs on p. III.D-22 (new language is underlined; deleted language is shown in ~~strike through~~):

The shadow conditions with the project were compared to conditions with the site vacant, as it is currently, and with the McNear building located on the site. The difference in shadow effects caused by the project when compared to the vacant site in its current condition is that the project would add shadow to the photo location analyzed ~~Garden and adjoining areas~~ for an interval of about two hours (10:00 a.m. to noon PST) during two six-week intervals — from late January until early March and from early October until late November. Currently, the study location ~~Garden and adjoining area~~ receives no sun after mid-day under existing conditions. When compared to conditions with the McNear building on the site, the project would result in 30 additional minutes (10:00 a.m. to 10:30 a.m. PST) of shadow during the same two six-week periods. The extent of new shadow at various times of the day and during different seasons is discussed below.

The project would add no new shadow during the two months of the year when the study location within the Garden is currently in shade. Nor would the project add new shadow to this location ~~the Garden~~ during the interval from early March until early October, when this location ~~the Garden~~ is currently in full sun from morning until mid-afternoon. Accordingly, the Initial Study for the proposed project concluded that the project would not have a substantial adverse effect on the biology of the Grace Marchant Garden. For more detailed information regarding the potential impacts of the project on biological resources in the Garden as a result of additional shadow, see the discussion in section III.F, Biology, that has been added for informational purposes.

With the above change to the DEIR text, the third paragraph under “Evaluation of Impacts” on p. III.D-3 then becomes the first paragraph under that heading. The fourth (now second) paragraph is revised, and the text is added immediately thereafter, as follows (new language is underlined; deleted language is shown in ~~strike through~~):

Referring to Figures 20-35, the shadow coverage from the proposed project would be greater than at present, with no building on the site, and ~~similar in extent to also~~ greater, at certain times, than that from the McNear building. At other times, project shadow would be no greater than that from the McNear building.

As can be seen in the figures, the project would add new shadow to the Garden both adjacent to and within the project site in the morning and early afternoon in March and September (see Figures 20-22 and 28-30). The project would also add a small amount of shadow to the Garden, near the Filbert Street Steps, in December (see Figures 32 and 33); new shadow would otherwise be limited in December because much of the Garden is already in shade; the same would generally hold true in November and January. In June, there would be no new shadow on the Garden at the times studied because the height of the sun would result in the project casting relatively short shadows. Of the new shadow cast by the project, most would fall outside the "Maintained Central Portion of Garden," identified in EIR Figure 40, p. III.F-5, in the discussion of biological resources.

In addition to the above changes, the following new text replaces the first two paragraphs on p. I-5 in the Summary:

The project would add new shadow to the most intensively maintained eastern portion of Garden in the morning and early afternoon in March and September, as well as in the morning December, when most of the eastern Garden is already in shade and new shadow would fall near the Filbert Street steps. In June, shadows would be limited by the height of the sun, and no new shadow would reach the Garden.

The four times of year for which shadow diagrams are presented are intended to provide a representative analysis of project shadow effects: shadows are longest in December, on the winter solstice, and shortest in June, on the summer solstice. On the spring equinox, in March, shadows are midway through a period of shortening, and on the fall equinox, in September, shadows are midway through a period of lengthening. (Shadows are somewhat different on March 21 and September 21 for the same clock time largely because the former date occurs during standard time and the latter date, during daylight savings time, and also due to variations in the earth's orbit.)

It is not true, as the commenters claim, that portions of the shadow analysis are "of little value;" rather, what the winter solstice (December 21) analysis indicates is, as noted by the commenter, that much (although not all) of the area that could potentially be affected by project shadow is already in shade, and that the project, therefore, would have limited effect. Similarly, the project would have relatively little effect at the summer solstice. Shadow effects would increase as fall arrives and project shadows lengthen, then decrease towards the start of winter, as the topography of Telegraph Hill begins to blunt the effect of project shadow. This pattern would reverse between December and June.

As shown in Figures 20 – 35, and noted by the commenter, there are points within the garden where new project shadow would last for longer than two hours per day over two six-week periods indicated for the point analyzed in the sun path ("fisheye") analysis presented in Figure 36. However, the sun path analysis accurately reflects general conditions in the "Maintained Central Portion of Garden" identified in Figure 40. There would be points within

this maintained area of the Garden where shadow effects would be somewhat greater, and points where effects would be somewhat less. However, the “Analysis of Sun Angles” cited by the commenters is not directly comparable to the EIR’s sun path analysis, for at least two reasons. First, the sun path analysis in Figure 36 presents year-round effects on a single point throughout the day, while the October 1997 analysis referred to by the commenters examines year-round effects on a single point *at a single time of day* (12:00 noon). This latter approach would be analogous to following the figure-eight-shaped trace of one time on Figure 36. Second, and more important to the determination of effects, the sun path analysis in Figure 36 is based on a photograph of the site, which includes existing vegetation, while the October 1997 analysis is based on the slope of the hill. (Both analyses use sun angles to calculate when shadow would and would not occur.) Looking at the photograph in Figure 36, one can see that the concrete retaining wall along Alta Street at the southern project site boundary – which is the basis for the portrayal of existing shadow in the October 1997 analysis – is not visible, as it is obscured by vegetation (which is taller than the retaining wall when viewed from the angle photographed in Figure 36, meaning that Figure 36 shows more existing shadow and therefore less new shadow than was found in the “Analysis of Sun Angles” cited by the commenters).

When the two analyses are compared at a single time throughout the year (using 11:00 a.m. in Figure 36, rather than 12:00 noon, because the project would not cause new shadow at noon at the study location), it is seen that they are quite consistent in terms of the total days of shadow. As shown in Figure 36, at 11:00 a.m., shadow would begin in early October and last through early March, for about five months, or 150 days of shadow. However, the slope and *the existing vegetation* currently combine to shade the study location for about two months (December and January), leaving a net increase of about 13 weeks of new shadow, which is comparable to the “two six-week intervals” described on p. III.D-3 (in the paragraphs that, as noted above, are moved to p. III.D-22). By comparison, the October 1997 analysis referred to by the commenters identifies a total of 141 days (about 4.6 months) of shadow at a nearby study location, which is slightly less than, but similar to, the 150 days of shadow reported for Figure 36. The net increase of 115 days (16 weeks) in the October 1997 analysis is more than the 13 weeks identified in Figure 36, because of the difference in study locations and because the October 1997 analysis assumes less existing shadow since it ignores vegetation. At any rate, the two analyses are generally consistent. However, it does not necessarily follow that this additional shadow, compared to existing conditions, would result in a significant impact. As stated in the Significance Criteria on pp. III.D-2 – 3 of the EIR, “The project would be considered to have a significant effect if it would alter sun shading effects so as to substantially affect public areas, change the climate in the immediate community or broader region, or disrupt or adversely affect an historic resource.” In the case of the proposed project, large areas of the Garden that currently receive sun would remain in sunlight following construction of the project, particularly during the six-month period between the spring and fall equinoxes, when there is the greatest amount of sunlight, and during the late fall to early winter, when much of the Garden is already in shade. During early to mid-fall and mid- to late winter, project shadow effects would be more pronounced. Therefore, it is reasonable to assume that the Garden would continue to be attractive to visitors and residents, and that use of the Garden would continue. Further, as stated in

Section III.F, Biology, of the EIR, the increased shadow caused by the project would not cause substantial adverse effects on plant habitat.

Regarding the former McNear building, it is seen in Figure 36 that shadow effects from the proposed project would be similar to those from the prior building. However, as stated in the response to Comment A-20, the EIR analysis is not based on a comparison of the proposed project to the McNear building.

Concerning the language in the Initial Study, as explained above, the shadow analysis, as presented in Figures 20 – 35 and in the accompanying text (as revised herein), accurately portrays shadow effects on the whole of the surrounding area, including the Grace Marchant Garden (and, in particular, the most intensively maintained eastern portion) and the Filbert Street Steps.

In summary, Figures 20 – 36 accurately portray shadow effects of the proposed project. The text revisions provided herein do not change the analysis depicted in the figures, nor do they alter the conclusion of the DEIR, that the project would increase shadow, compared to existing conditions, but not to a degree that would substantially affect public areas – notably the Maintained Central Portion of the Garden; change the climate; or disrupt or adversely affect the Grace Marchant Garden in any substantial manner. (Regarding physical effects of increased shadow on the flora of the Garden, as stated in EIR Section III.F, Biology, the project “would not . . . represent a substantial diminishing of a plant habitat,” and “would not preclude the ongoing use of the space as an attractive public garden, as it had been previous to 1992 and has continued to since.”)

Two additional factors are worth bearing in mind in reviewing the shadow analysis in the EIR. First, the modeled analysis of project shadow in Figures 20-35 does not account for vegetation in the Garden. (The sun path analysis in Figure 36, which is derived from a photograph, does include vegetation, as noted above.) While vegetation is typically ignored in shadow analyses, on the theory that it can be removed and therefore its shadow effects are “temporary” compared to effects of buildings, in the case of the project area, the very fact that abundant vegetation exists is perhaps the key defining feature of the Garden. Therefore, it should be noted that some areas depicted as being in sunlight in EIR Figures 20-35 may be shaded by existing vegetation during the growing season. Shadow effects of both the prior building and the proposed project are analyzed without this existing shadow, potentially making the building-generated shadow appear greater than it may be. Second, the irregularity of the site and vicinity topography inherently introduces uncertainty into the computer-generated shadow diagrams that are the basis for Figures 20-35. It is possible that some areas of uneven topography are shaded by the hill itself, which again leads potentially to a conservative analysis. Having said that, there is no question that the project would cast additional shadow on the Grace Marchant Garden, compared to both existing conditions (with no building on the site) and compared to conditions with the prior building. As illustrated in EIR Figure 36, *for any given point* where new shadow (compared to existing conditions) is cast, new shadow would last no longer than approximately two hours on any given day. However, *for the Garden as a whole* new shadow (compared to existing

conditions) would last for a period of several hours daily, year-round, except during late spring and early summer.

- B-37) While it is true that the project would increase shadow beyond that cast by existing buildings on the north side of Alta Street, shadow from those buildings is accounted for in the depiction of “existing” shadow in EIR Figures 20-35. CEQA requires that project impacts be assessed against the existing environment, both natural and man-made (CEQA Guidelines Secs. 15125, 15360). Thus, the impact of these existing buildings is depicted in Figures 20-35, as well as in Figure 36.
- B-38) There is no logical reason to apply the standards contained in Planning Code Section 295 to the proposed project. As noted by the commenter, Section 295 applies expressly to properties under the jurisdiction of the Recreation and Park Department.
- B-39) The geotechnical studies were performed to determine how, considering the conditions of the site, the project could be constructed. The statement on page III.E-11 of the DEIR: “The geotechnical reports found the site suitable for development providing that the recommendations included in the report were incorporated into the design and construction of the proposed development,” means that a building can be built on this site, but before it does, the geotechnical recommendations are to be followed.

The statement on Page 5 of the Cotton, Shires, and Associates report, “Should the results of the above recommendations be favorable for site development, the following items . . .” is not saying that if results of the above recommendations are not favorable, then the site can not be developed. Rather, this means that if the prescribed additional recommendations (which supplement and “fine-tune” the analysis already conducted by Rogers/Pacific) are carried out and determine the rock slope stable, then the slope is favorable for the proposed project. However, if additional analysis determines the slope not capable to support the proposed building, then the foundation would need to be reengineered. The conclusion can thus be drawn that development of the project is feasible from a geotechnical standpoint and that the recommendations provided by Cotton, Shires and Associates should be included in the project’s final design.

- B-40) The statement, made on page III.E-9 of the DEIR, “Absent the above measures, rockfalls would be expected to occur from the steep slope east of the proposed project,” is made under the project impacts section and refers to measures that are required in order to stabilize the slope *if the project were to be built*. The statement on page III.E-3 of the DEIR, “At this time, there are no requirements or plans for further stabilization of the slope, absent construction of the proposed project,” is merely a statement of fact and in no way conflicts with the statement quoted above from page III.E-9.

The commenter also states that the DEIR suggests that the stabilization measures previously done on the site under the auspices of the City and County of San Francisco “were not satisfactory.” The DEIR nowhere makes such a statement. The DEIR does conclude (on page VI-I of the DEIR), based on the analyses conducted by two geotechnical engineering firms, Rogers/Pacific and Cotton, Shires, and Associates, that if the site were to remain vacant and no further

stabilization measures were taken, “Over time, degradation and raveling *could eventually* cause the existing concrete foundation remains to also become unstable” and “...erosion of the slope *could eventually* cause the existing rockbolts to become undermined and break away from the slope.” Based on the existing patterns of water infiltration and related erosion, the above-quoted conclusions are logical.

- B-41) See response to Comment B-39. The analysis that is provided by the Alan Kropp report supports the information provided in the Cotton, Shires report. As stated in the response to comment B-39, the findings from the additional analysis as recommended by Cotton, Shires (and Kropp) would serve to strengthen what is already known of the rock slope and would be used to refine the foundation design and other geotechnical issues, not determine simply if the site is suitable for development.
- B-42) It is not within the scope of an EIR to analyze the particular foundation design of the proposed project, merely to discuss the potential physical effects on the environment if the project were to be constructed as proposed and recommend mitigation measures if significant impacts are identified. Further, ultimate review of the final design for the proposed project would be conducted by the Department of Building Inspection, and, as stated on page III.E-11 of the DEIR, such review would ensure that “any potentially significant geologic, seismic, landslide or construction-related hazards associated with structural collapse, slope failure or rockfall would be mitigated during the permit review process. . .”
- B-43) Please see the response to Comments A-21 and A-22. As noted in those responses, the EIR also evaluates another alternative that would construct a single-family dwelling on the project site. This Alternative C is now the project sponsor’s preferred alternative.
- B-44) Please see the response to Comment A-9.
- B-45) The analysis provided in section III.F regarding the potential shading effects on the biology of the plants in the Grace Marchant Garden is based on the total shade that the plants would receive subsequent to the proposed project being constructed. This means that the effects of shade from the project in addition to shade from existing conditions (i.e. topography and built structures) was considered. The consideration of existing shadow conditions is discussed on page III.F-11 of the DEIR and states: “Most of the planted species currently in the Garden are already somewhat tolerant of shade, since the exposure and existing buildings already cast shade into the Gardens. In addition, the plantings put in place prior to 1992 were established when the shade regime included the former building, which cast about three-fourths as much shade as the proposed structure. Therefore, most of the plantings currently in the Garden, especially the older ones, are expected to continue to thrive.”



LANDMARKS PRESERVATION ADVISORY BOARD

1660 MISSION STREET, 5TH FLOOR, SAN FRANCISCO, CA 94103-2414
 TEL. (415) 558-6345 • FAX. (415) 558-6409

December 8, 1998

Ms. Hillary E. Gitelman
 Environmental Review Officer
 San Francisco Planning Department
 1660 Mission Street, Fifth Floor
 San Francisco, CA 94103-2414

RE: Comments on Draft EIR for 22-30 Alta Street
 (Planning Department File No. 97.433E)

Dear Ms. Gitelman:

These comments on the Draft Environmental Impact Report for the proposed condominiums development project at 22-30 Alta Street ("DEIR") are presented on behalf of the San Francisco Landmarks Preservation Advisory Board ("Landmarks Board"), which addressed this matter in a public hearing on December 2, 1998.

While this project is a proposed development of condominium units on only one parcel of property, the site's location on the slopes of Telegraph Hill within the Telegraph Hill Historic District and adjacent to the Grace Marchant Garden in the vicinity of the highly significant Filbert Steps and remnants of the boardwalk streets like Napier Lane surviving from the early days of San Francisco's history demand that the environmental assessment of this proposed project be done comprehensively and with scrupulous attention to detail.

I. SITE LOCATION.

The sub-section of the Project Description beginning on p. II-1 needs expansion to include a detailed graphic survey of adjacent and contributory (to the Historic District) buildings, such as that prepared by the Alta/Filbert Preservation Association dated October 14, 1997 and presented to the Landmarks Board. Also this setting sub-section deserves more attention to the Grace Marchant Garden, the Filbert Steps, and the Napier Lane boardwalk street.

C-1

II. PROJECT CHARACTERISTICS.

This sub-section of the Project Description needs

C-2

expansion by augmenting the narrative on p. II-3 to specify how far the proposed building extends to the north beyond the north-facing wall of the adjacent existing apartment building at 34 Alta Street and how close it gets to the historically significant cottage with the address of 221 Filbert Street off the Filbert Steps adjacent to the parcel at a lower elevation.

C-2
CONT.

III. PROJECT APPROVAL REQUIREMENTS.

This section on pp. II-10 and II-11 should be expanded to reference the fact that this proposed project was presented to the Landmarks Preservation Advisory Board's Architectural Review Committee ("ARC") in October and November, 1997. Pertinent information about the site and surrounding historic resources was presented by community-based groups, and petitions containing signatures of over 3,100 persons opposed to the proposed project were filed with the Landmarks Board. The ARC recommended that the project sponsor consider a smaller building complex which would not intrude so far to the north nor tower so dramatically over the Grace Marchant Garden and the historically significant cottage on adjacent land down near the Filbert Steps. Frankly, we are very surprised and disappointed that the project sponsor did not take the ARC's recommendations more seriously and revise the proposed project before proceeding with an EIR and ultimately looking for a Certificate of Appropriateness. Our recommendation is that the Landmarks Board Minutes summarizing the advice and direction of the ARC be quoted verbatim or included as an Exhibit in the Final EIR.

C-3

IV. GENERAL PLAN POLICIES AND OBJECTIVES.

The authors of the DEIR are to be commended on distilling from the Elements of the City and County's General Plan the pertinent Policies and Objectives and summarizing them on pp. II-11 through II-13. However, what is missing from the DEIR is an analysis of the extent of compliance or non-compliance of the proposed project with the City and County's General Plan. The Final EIR should analyze the proposed project's compliance with each of these pertinent General Plan objectives and policies and point out clearly for each one whether the proposed project would be in or out of compliance with each one.

C-4

V. IMPACTS ON HISTORIC ARCHITECTURAL RESOURCES.

Our understanding is that CEQA requires analysis of a development project proposed for a currently vacant piece of property to compare the project to open land and not to a former but destroyed structure on the site. It is not appropriate to compare this project with the former McNear building.

C-5

The analysis of the proposed building complex's comparative size should detail the extent that the proposed building extends into the parcel to the north beyond the existing buildings along the north side of Alta Street. The analysis on p. III.B-14 is limited to height and width, but not depth of the structure, which is a critical factor.

C-6

The Conclusion on p. II.B-16 that the project would not "result in a compromise in the integrity or significance of any of the adjacent buildings that are identified as Contributory to the district" lacks clarity, relevance or appropriateness. Does a "compromise of integrity" require that a project structure slice into an existing building, or does a "compromise of significance" require a "de-listing" of the contributory significance of a building determined by previous surveys and the City's prior determinations in adopting the Historic District? The DEIR does not adequately consider whether the proposed project would overwhelm or tower over the contributory cottage at 221 Filbert Street and therefore adversely affect the qualities of enjoyment of that identified historic resource. The conclusions section here does not adequately describe the analytic route whereby the DEIR's authors moved from selected facts to findings supporting their conclusions here.

C-7

VI. SHADOW IMPACTS.

Testimony at our hearing on December 2nd and documentation presented at the ARC hearing on the project last Fall indicates that there are some real questions about the completeness and accuracy of the shadow analysis presented in the DEIR. We recommend that the analysis go beyond the minimum statutory requirements and get comprehensive and accurate data on how the proposed project will really affect shadowing on the Grace Marchant Garden.

C-8

VII. MITIGATION MEASURES.

We disagree with the implied conclusion of the DEIR that there are no significant impacts on historic resources requiring mitigation. Sometimes in CEQA matters, mitigation measures and alternatives tend to merge, and this is such a case. The most obvious mitigation measure for potentially significant adverse impacts on the Grace Marchant Garden and the contributory adjacent building at 221 Filbert Street is to scale the project back away from these highly valuable and significant historic resources.

C-9

VIII. SIGNIFICANT EFFECTS THAT CANNOT BE AVOIDED.

We strongly disagree with the conclusion of the authors of the DEIR on p. V-1 that there are no significant adverse impacts of the proposed project. As indicated above, there is ample evidence and a fair argument that the scale, bulk and westward extent of the proposed building complex will have significant adverse impacts on important historic resources --- the Grace Marchant Garden and the contributory adjacent building at 221 Filbert Street on the Filbert Steps.

C-10

IX. ALTERNATIVES.

The DEIR is seriously deficient for failing to provide a reduced-size alternative along the lines suggested by the Landmarks Board's ARC in its hearings on this project in October and November of 1997. It is obvious that a reduced scale building complex which has less height and bulk and does not impinge so deeply to the north should be analyzed to determine if it is an environmentally superior alternative.

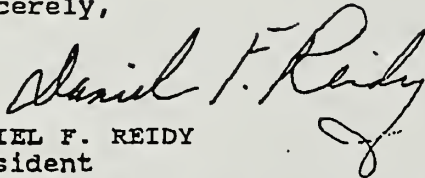
C-11

X. CONCLUSION.

We urge the Planning Commission to give directions to staff and the consultant authors of the DEIR to make the changes necessary for a legally adequate EIR that can appropriately guide decision-makers in considering the merits of the project itself when the Certificate of Appropriateness and any other governmental approvals come up for review and action.

Comments on Draft EIR for 22-30 Alta Street
December 8, 1998
Page 5

Sincerely,

A handwritten signature in cursive script, reading "Daniel F. Reidy". The signature is written in dark ink and is positioned above the typed name and title.

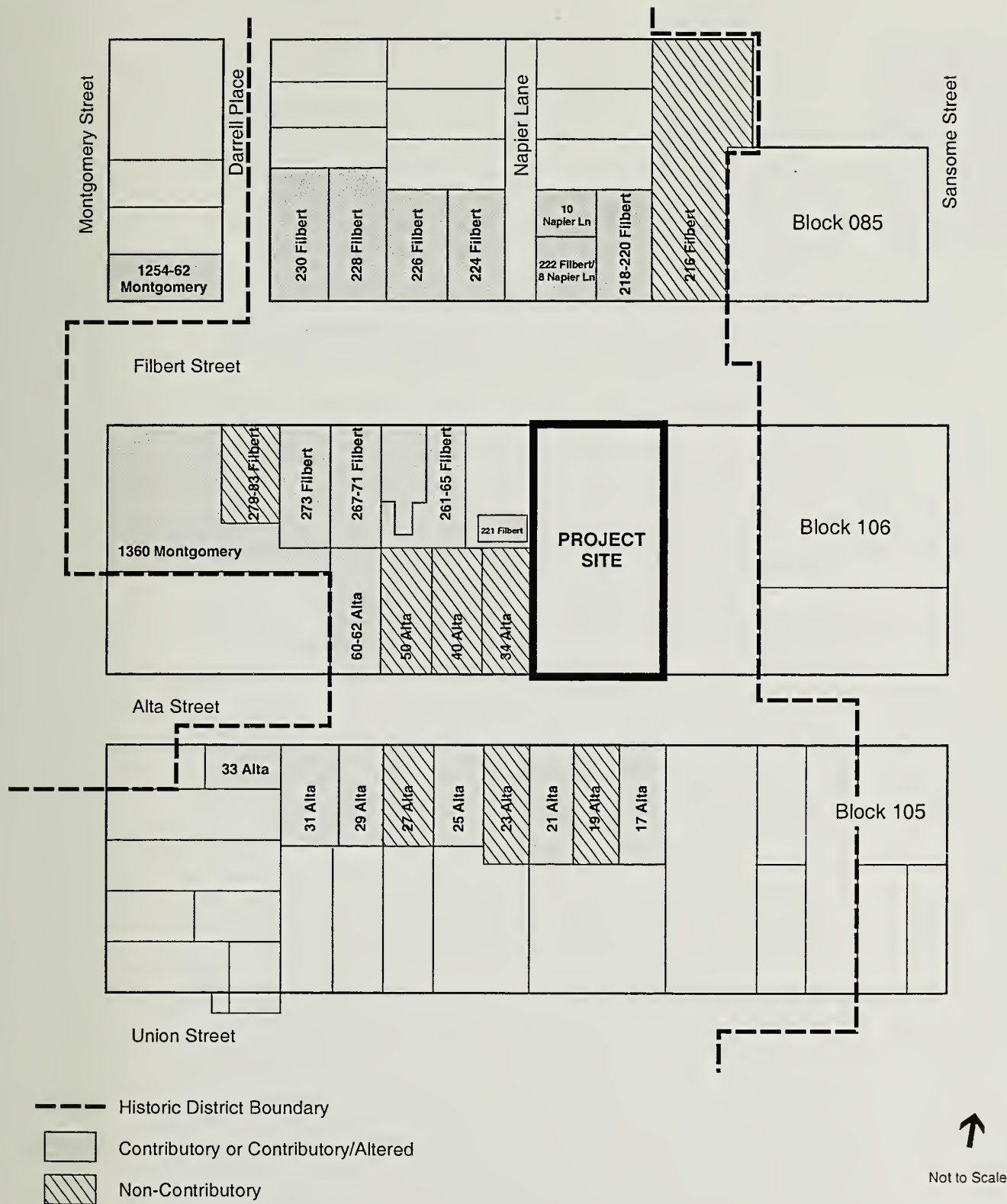
DANIEL F. REIDY
President

cc: Members of the Landmarks Board

LETTER C – DANIEL F. REIDY, SAN FRANCISCO LANDMARKS PRESERVATION ADVISORY BOARD

- C-1) To clarify the location of existing Contributory buildings, a map is added to Section III.B as Figure 7a. Information regarding the Grace Marchant Garden, Napier Lane, and the Filbert Steps is provided in the setting section of Section III.B.
- C-2) Figure 2 on page II-4 of the DEIR clearly shows the proximity of the proposed project with the adjacent building located at 221 Filbert Street. To clarify the relationship of the proposed project with the adjacent structure at 34 Alta Street, the following is added to the end of the second sentence of paragraph three on page II-1:
- , about 25 feet north of the northern face of 34 Alta Street, the building adjacent to the project site on its western property line.
- C-3) Please see the response to Comment A-6.
- C-4) Please see the response to Comment A-1.
- C-5) Please see the response to Comment A-20.
- C-6) The DEIR addresses this issue by stating on page III.B-14: “The new building would also extend seven feet farther deep (north) into the lot at levels one and two, compared to the prior building (compare Figures 12 and 13).” See also the response to Comment C-2.
- C-7) Please see the response to comment B-19.
- C-8) Please see the response to Comment B-36. The analysis in Section III.D does, in fact, go beyond the statutory requirements of Planning Code Section 295, and portrays shadow effects graphically for a number of times throughout the year (see Figure 20-36). In addition, Section III.F describes physical effects on the flora of the Grace Marchant Garden.
- C-9) Comment noted. Please see the response to Comment A-5 regarding the conclusion that there are no significant impacts on historic resources. There are no mitigation measures because no significant impacts were identified in the DEIR. The DEIR does identify an alternative that would have relatively less effect on historical architecture resources than would the project. As noted in responses to Comments A-21 and A-22, the EIR also evaluates another alternative that would construct a single-family dwelling on the project site. This Alternative C is now the project sponsor’s preferred alternative.
- C-10) Please see the response to Comment C-9.
- C-11) The DEIR does provide a “reduced-size alternative” with its Replacement Alternative, a structure, as stated on page IV-1, “that would generally be a replica of the former Fred McNear.

Jr. Apartment building . . .” A replica of the McNear building would result in construction of a building that is smaller than the proposed project and would result in reduced physical effects on the environment. Also, please see the responses to Comments A-21 and A-22. As noted in the previous response, the EIR also analyzes an alternative that would construct a single-family dwelling on the project site.



SOURCE: Environmental Science Associates

22 - 30 Alta Street ■

Figure 7A

Map of Nearby Contributory and Non-Contributory
Buildings of the Telegraph Hill Historic District



THE FOUNDATION FOR
SAN FRANCISCO'S
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December 10, 1998

Hillary Gitelman
Environmental Review Officer
San Francisco Planning Department
1660 Mission Street
San Francisco, CA 94103

RE: Draft Environmental Impact Report for 22-30 Alta Street
Telegraph Hill Historic District, San Francisco
Case No. 97.433E

Dear Ms. Gitelman,

We have reviewed the draft EIR for the proposed project at 22-30 Alta Street in the Telegraph Hill Historic district and have the following comments.

Heritage has long been concerned that the size and mass of the proposed structure does not conform to the provisions of Article 10, Appendix G of San Francisco's Planning Code and our position is consistent with the recommendations of the Architectural Review Committee of the Landmarks Preservation Advisory Board in its review of the proposed project on November 5, 1997. We would like to see the EIR address the project's conformity with Article 10 in a more complete and meaningful manner.

In particular, we note that while the draft EIR details the guidelines of Article 10, Appendix G, and claims that the project "conforms to most" of the guidelines, this conclusion is unsubstantiated and is not based on a detailed assessment of the project against each of the guidelines. We don't believe that this conclusion can be reached without such a comprehensive analysis, and believe that such an analysis would conclude that the project fails to conform to most of the guidelines set forth in Article 10, Appendix G.

We also point out that the draft EIR makes little mention of the cliffs on which the proposed building is intended to be constructed (other than in the Geology and Seismicity chapter). In describing the significance of the District, Article 10, Appendix G, Section 5 states that the Cliffs are a "decisive factor in determining the historic development pattern of the area, [and] are a highly significant, aesthetically important component defining the setting of the district." The specific mention of the cliffs as a feature in determining the historic development of the area qualifies the cliffs as a historic resource within the meaning of CEQA. As such we believe the EIR should provide a thorough analysis of the project's impact on this resource including whether the size of the building relates to the topographical contour, and more important, whether, the slope stabilization measures will jeopardize the status of the cliffs as a historic resource. The Telegraph Hill Historic District Ordinance specifically instructs ways to minimize environmental impacts, which the draft EIR ignores. In particular, Article 10, Appendix G, Section 7 (h) (4) mandates "a "soft" approach to cliff retention...in order to preserve the integrity of the cliffs." We are very concerned that the combination of rockbolts, wire netting, gunite, shotcrete and the skirt walls of the building will destroy this important feature of the district.

D-1

D-2

D-3

Hilary Gitelman
December 10, 1998
Page Two

In addition, the draft EIR does not adequately address the impacts of the size and mass of the proposed project.

D-4

The draft EIR is further deficient in its failure to consider an alternative project, which is smaller in size and mass and otherwise more closely conforms to the existing requirements of Article 10, Appendix G for new construction in the Telegraph Hill Historic District.

D-5

Thank you for considering our comments.

Sincerely,

A handwritten signature in black ink, appearing to read "David Bahlman", with a long horizontal flourish extending to the right.

David A. Bahlman
Executive Director

**LETTER D – DAVID A. BAHLMAN, THE FOUNDATION FOR SAN FRANCISCO'S
ARCHITECTURAL HERITAGE**

- D-1) Please see the response to Comment A-2.
- D-2) Please see the response to Comment A-2.
- D-3) Please see the response to Comment A-3.
- D-4) The potential for impacts related to the size and mass of the proposed project are addressed as part of the Historic Architectural Resources analysis (section III.B) and the visual quality analysis (section III.C). Also, please see the response to Comment A-4.
- D-5) Please see the responses to Comments A-21 and A-22. As noted in those responses, the EIR also evaluates another alternative that would construct a single-family dwelling on the project site. This Alternative C is now the project sponsor's preferred alternative.

December 10, 1998

Mr. Hector Chinchilla
President
San Francisco Planning Commission
1660 Mission Street, 5th Floor
San Francisco, CA 94103

RE: Draft Environmental Impact Report for 22-30 Alta Street

Dear Mr. Chinchilla:

I am the owner-occupant of 25 Napier Lane. This letter offers several comments on what I believe are serious flaws in the draft environmental impact report on the 22-30 Alta Street project. Like others, I believe that the Telegraph Hill area affected by this project has a unique and special historic character, but one that's fragile and easily lost. And like others, I'm convinced this project will materially impair the historic character of the Filbert Steps Corridor, damage the Grace Marchant Garden, and disfigure the steep cliffs that serve as gateway to this historic area. As proposed, this project would strike at the heart of the Telegraph Hill Historic District, at the very reasons the District was established.

From my 16 years on a planning commission in a town in Marin County, I understand the difficulties you and your colleagues face, as you try to judge the adequacy of this draft EIR. Much work has been done on it. But, is the draft as it stands sufficient as an informational document for you and the public? Does it fully analyze and characterize the environmental impacts of this project? I do not believe that it yet does. Here are a few reasons why.

First, the draft EIR does not properly compare the project against clear tests of environmental impact significance established by City statutes and policies. For example, the historic district provisions of Article 10 (Appendix G) of the City Planning Code, at least eleven policies in the City's General Plan, and three of the eight priority policies adopted in Proposition M all directly apply to this project (see attached table). While these are mentioned, the draft EIR fails to analyze, quantitatively or otherwise, the project design implications of these critical and directly applicable statements of City law and policy. I believe it likely that the project, as proposed, would violate or conflict with a number of these statutes and policies.

E-1

Second, in evaluating the proposed project's impact on historic resources, the draft EIR fails to identify and recommend mitigations for significant environmental impacts on centerpiece elements of the Telegraph Hill Historic District. Under CEQA, the district is an historical resource. If a project would materially impair an historical resource, CEQA guidelines require it to be judged a significant environmental impact and mitigations identified. How should we judge impact significance? One standard for judging material impairment might be the criteria for approving a Certificate of Appropriateness under Appendix G of Article 10. Addition of an evaluation against these or other similar criteria to the EIR is critically needed.

E-2

I believe that the project will fail to meet the Appendix G test, thus requiring project impacts to be judged significant and mitigations identified. Here is why. Among other things, Appendix G requires that new construction be compatible with both adjacent buildings and nearby historic contributory buildings. The proposed building is twice the size of the smaller building that was there before. Compared to adjacent buildings, it is nearly 8 times larger than the cottage next door at 221 Filbert. It is more than 3 times larger than the building next door at 34 Alta. It is more than 4 times larger than either of the buildings immediately across the street at 17 and 21 Alta. Compared to historic contributory buildings, the proposed building is more than 5 times larger than the average of contributory buildings nearby. And, it presents a multi-story, vertical wall to the Filbert Steps, the historic buildings below, and the Grace Marchant Garden, whose shading it would increase.

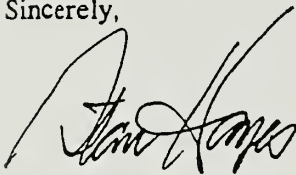
Third, the draft EIR fails to properly analyze the impact of the proposed building on adjacent cliffs. Appendix G identifies the steep cliffs, including those on which the project proposes to build, as "a highly significant aesthetically important component defining the setting of the District." Yet, the draft EIR does not analyze the impact of proposed slope stabilization measures. Instead, it merely lists them. Given the historic importance of these cliffs, the EIR must fully evaluate the impact of building construction, and the implementation of the listed measures.

E-3

I believe that the questions that this letter raises regarding the adequacy of the draft EIR are important. Does the draft EIR properly analyze the implications of City law and policy on the design of this project? It does not. Does this draft adequately evaluate the project's impact on the Telegraph Hill Historic District? It does not. Does the draft sufficiently characterize project's impact on the highly visible cliffs on which it would build? It does not.

I urge you and your colleagues to require that these and other deficiencies be corrected in a revised EIR draft. Based on my experience as a planning commissioner, I think that it would be difficult to certify this EIR as complete until they are.

Sincerely,



Stan R. Hayes
25 Napier Lane
San Francisco, CA 94133

(415) 982-4554 (h)

(510) 655-7400 (w)

TABLE 1
City Code, Policies, and Objectives Whose Project Design Implications Must Be Analyzed in the EIR

Statute/Policy Document	Requirement
Planning Code, Article 10, Appendix G (Telegraph Hill Historic District)	
Section 5, "Statement of Significance"	Importance of Cliffs "The steep cliffs, a decisive factor in determining the historic development pattern of the area, are a <i>highly significant aesthetically important component</i> defining the setting of the District." Importance of Grace Marchant Garden "Unimproved street rights-of-way are <i>valuable open spaces</i> ranging in character from the well-tended, <i>renowned Grace Marchant and Valetta's Gardens</i> on Filbert and Greenwich Streets, to the rock-face cliffs of Green and Calhoun Streets." "The cliffs, street rights-of-way and adjoining private open spaces have become a <i>wondrous garden</i>" (Landmarks Preservation Advisory Board, Final Case Report).
Section 7, "Additional Provisions for Certificate of Appropriateness"	Compatibility with Adjacent Historic Buildings 7(b), Height. "Buildings should <i>relate to the height of structures immediately adjacent and in the general area</i> with the intent that the building should be contained within an envelope that slopes upward or downward with the slope of the property." 7(c), Alterations and New Construction. "Alterations and new construction shall be <i>compatible with the nearby contributory buildings within the Historic District</i> and shall conform to the following provisions: 7(c)(1)(d) "The mass of new buildings should relate to the topographical contour of the site, and be <i>compatible with adjacent buildings</i>." Preservation of Cliffs 7(h), Cliffs. "Applications for Certificates of Appropriateness proposing <i>new construction on lots located upon the cliff areas</i> of the District shall conform to the following provisions: 7(h)(4) "If the Planning Commission determines that the proposed construction can be safely undertaken without endangering life, limb, or property of any person due to landsliding or structural failure, <i>the applicant shall take a 'soft' approach to cliff retention</i>, such as rock bolts and prestressed tendons, in order to preserve the integrity of the cliffs."

TABLE 1
City Code, Policies, and Objectives Whose Project Design Implications Must Be Analyzed in the EIR
(Continued)

Statute/Policy Document	Requirement
General Plan	
Residence Element	Objective 12, Policy 4: Promote construction of well designed housing that <i>conserves existing neighborhood character.</i>
	Objective 12, Policy 6: <i>Modify proposed developments which have substantial adverse environmental impacts or otherwise conflict with the General (Master) Plan.</i>
Recreation and Open Space Element	Objective 2, Policy 3: <i>Preserve sunlight in public open spaces</i>
Urban Design Element	Objective 2, Policy 4: <i>Preserve notable landmarks and areas of historic, architectural or aesthetic value, and promote the preservation of other buildings and features that provide continuity with past developments.</i>
	Objective 2, Policy 6: <i>Respect the character of older development nearby in the design of new buildings.</i>
	Objective 2, Policy 7: <i>Recognize and protect outstanding and unique areas that contribute in an extraordinary degree to San Francisco's visual form and character.</i>
	Objective 3, Policy 1: <i>Promote harmony in the visual relationships and transitions between new and older buildings.</i>
	Objective 3, Policy 2: <i>Avoid extreme contrasts in color, shape and other characteristics which will cause new buildings to stand out in excess of their public importance.</i>
	Objective 3, Policy 4: <i>Promote building forms that will respect and improve the integrity of open spaces and other public areas.</i>
	Objective 3, Policy 5: <i>Relate the height of buildings to important attributes of the city pattern and to the height and character of existing development.</i>
	Objective 3, Policy 6: <i>Relate the bulk of buildings to the prevailing scale of development to avoid an overwhelming or dominating appearance in new construction.</i>

TABLE 1
City Code, Policies, and Objectives Whose Project Design Implications Must Be Analyzed in the EIR
(Continued)

Statute/Policy Document	Requirement
Proposition M	
Priority Policies	1. Preservation and enhancement of neighborhood-serving retail uses 2. <i>Protection of neighborhood character</i> 3. Preservation and enhancement of affordable housing 4. Discouragement of commuter automobiles 5. Protection of industrial and service land uses from commercial office development and enhancement of resident employment and business ownership 6. Earthquake preparedness 7. <i>Landmark and historic building preservation</i> 8. <i>Protection of open space</i>

Note: Emphasis added by bold and italic type face.

LETTER E – STAN R. HAYES

- E-1) Please see the response to Comment A-1.
- E-2) Please see the responses to Comments A-2 and A-17. As noted in the response to Comment A-2, the DEIR's assessment of physical effects differ from the analysis of Planning Code compliance in the context of a Certificate of Appropriateness application.
- E-3) Please see the response to Comment A-3.



December 7, 1998

Joseph Macri
Monica Mejia
33 Alta St
San Francisco, CA 94133

The Environmental Review Officer
San Francisco Planning Department
1660 Mission Street
San Francisco CA 94103

Dear Environmental Review Officer,

This letter addresses the Draft Environmental Impact Report on 22-30 Alta Street.

1.) We question the boundary of the right of way of the garden shown on the figures attached to the report. The boundary of the right of way may now extend into the property line of the lot at 22-30 Alta St because it has been open to public use. The lot has been vacant since 1992. The lot was not surrounded by a fence intending to demonstrate possession. Public use of the garden within the boundary of the lot line for a period of several years begins to establish a public easement/right of way within the lot at 22-30 Alta.

F-1

2.) Page III.B-14 references the location of the proposed building as being, "within a sub-area of the district that contains large, non contributory buildings," and thus, the "project's increased volume would not be incompatible with adjacent construction." This paragraph and the report in general does not take into account the smaller buildings in the area. The proposed building would overshadow 17 Alta St, 21 Alta St, 29 Alta St and 33 Alta St. which are on the same street.

F-2

3.) We are also concerned that the proposed building might be the largest building on the street and this would make it incompatible with the sub-area of the district.

F-3

4.) The compatibility of the proposed building should be considered with respect to the sub-area because "all or part" of the district is potentially eligible for nomination to the California Register or the National Register. Page IIIB-13.

F-4

5.) We would also like to see the size of the proposed building compared to the eighty other buildings in the historical district. It is possible that the proposed building is one of the largest buildings in the district and maybe incompatible.

F-5

6.) The district, like many of San Francisco's historical districts is at risk of over-development by people wishing to profit from the escalating prices of real estate in the City. There is a slippery slope for historical districts that contain more and more, larger buildings until a district has lost its character. We are concerned that the size of the proposed building is large and it is part of a trend in development that will ultimately change the historical district. This is one reason we would ask that the reviewers of this report require that the size of the proposed building be compared to the 80 other buildings in the district and also, with any proposed or pending applications for development in the district. If a trend in larger buildings is found, then the report should address this trend and its impact on the historical district.

F-6

7.) The buildings that make up this historical district are both large and small. We would not want to see the small houses and their history overshadowed by current development trends. We would like to see the report evaluate the how many developers have applied for a permit for single family dwellings in the historical district?

F-7

8.) We are concerned about the lack of importance attributed to loss of waterfront views on Alta St. For those of us who live here, tourists are regular visitors to Alta St. During the weekends in summer months, we see/hear at least ten tourists a day who walk down the hill to see the ocean from Alta. The entire walk is pleasing to tourists. Tourists and residents alike are charmed by the views of the military ships, sailboats and the piers alongside the traditional houses on the street. These views are essential to the maritime history of the district. We were alarmed by the cavalier way the report addressed the issue of obstructed views when it stated that the proposed building, "would not be considered to substantially degrade or obstruct any scenic view or vista now observed from public areas." Page III.C-12. It seems that the proposed building would block the view except at the very bottom of the street. We would like to see the report contain an analysis of the views along Alta, not just at the bottom of Alta. At the very least a photograph should be included in this assessment.

F-8

9.) Figures 14, 15, and 16 do not show the impact of the building on loss of views to tourists, residents walking down Alta.

10.) The report states that, "typical urbanized uses would not be considered substantial impairment of existing scenic views or vistas." Page III.C-12. We believe this statement is overly broad. Typical urbanized uses may degrade the character of the district and its vistas. The question for the committee is whether this particular urbanized use is appropriate given the historical value of the district.

F-9

11.) The report states that visitors to the garden would have less open sky. Page III.C-11, paragraph 2. The report also states that the building would block a "patch of open sky" for other buildings within the neighborhood. The report glosses over this loss, especially with respect to the loss along Alta St.

F-10

12.) The report regularly refers to the proposed building as being two stories above grade. Alta is a very steep street. The report does not state what grade it is using in this

F-11

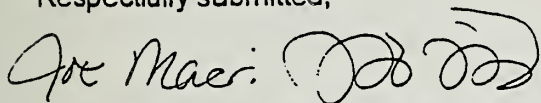
statement. This is potentially misleading, especially in light of the fact that the proposed building is three stories high on Alta and that it is proposed to be one story higher than the previous/McNear building.

F-11
CONT.

13.) Finally, we feel that it was inappropriate for the EIR to compare the impact of the proposed development to that of the previous development. The EIR should evaluate the impact of the proposed development and compare it to the lot as it is now.

F-12

Respectfully submitted,

Handwritten signatures of Joseph Macri and Monica Mejia. The signature for Joseph Macri is on the left, and the signature for Monica Mejia is on the right, consisting of several loops.

Joseph Macri and Monica Mejia

LETTER F – JOSEPH MECRI AND MONICA MEJIA

- F-1) Please see the response to Comment A-9.
- F-2) Please see the responses to Comments A-4 and B-26.
- F-3) Please see the response to Comment A-4.
- F-4) The DEIR analysis begins with the recognition that the Telegraph Hill Historic District is an historical resource for purposes of CEQA, in part because of its potential eligibility for the state and national registers.
- F-5) Please see the response to Comment A-4. Discussion of the building's size relative to Contributory buildings located on Alta Street or adjacent to the project is provided on p. III.B-16 of the DEIR and in the response to Comment A-4. Discussion of the proposed building's size relative to all other buildings in the District is not provided in the DEIR because such a comparison would not further assist in determining the project's potential for impacts on the District. The project's size relative to all of the buildings in the District in itself, would not result in significant impacts.
- F-6) Please see the response to Comment A-8.
- F-7) According to Planning Department records, two substantially new structures (exclusive of garages or accessory buildings) have been approved in the Telegraph Hill Historic since 1987. Information regarding the additional permits applied for within the Telegraph Hill Historic District is available from the Planning Department. The potential for cumulative impacts as a result of other development within the district is discussed in the response to Comment A-8.
- F-8) Please see the response to Comment A-13. As noted on pp. III.C-11 and 12, the view towards the Bay from Alta Street would be partially obstructed. However, this view would still be available a few feet away.
- F-9) The statement that the commenter is referring to says, in its complete form, "*The partial obstruction of views dominated by typical urbanized uses would not be considered substantial impairment of existing views or vistas.*" This statement means that the project would result in the construction of a residential structure within an already built-up, urbanized residential neighborhood and that the when considered in such a context, the project's potential visual impact would be minimal. Further, the site supported a residential structure for nearly sixty years, and thus a precedent has been established for this site to be built upon. Also, see response to Comment A-12.

- F-10) The DEIR provides a complete analysis of the potential for effects on views, including for the loss of views of open sky, on pages III.C-10 to III.C-12. Also, please see the response to Comment A-12.
- F-11) Page II-1 of the DEIR states that the building's height would be "32 feet above street grade on Alta Street." This explains the building's height according to the Code and the manner in which the dimension of the building's south elevation was calculated. The building's dimensions on the east and north elevations are measured based on the grade of the slope at the point on the hill at which the respective building walls begin. Also, see response to comment B-4.

In order to correctly indicate that the proposed building would be three stories above the Alta Street grade rather than two stories, p. III.C-7 of the DEIR is corrected as follows (new language is underlined; deleted language is shown in ~~strikethrough~~):

The six-story (three stories above grade) structure would be primarily Moderne in style and finished in cement plaster.

- F-12) Please see the response to Comment A-20.



JKL

December 9, 1998

Hillary E. Gitelman
San Francisco Planning Department
1660 Mission Street
San Francisco, CA 94103

Dear Hillary E. Gitelman:

With such a crowded agenda, I thought it best to put my thoughts in writing in reference to the Alta Street/ Grace Marchant Garden condominium project.

Not many people know that I was Grace Marchant's so-called adopted daughter. It was Grace and I who made and kept the entire Filbert Gardens beautiful. At that time it was my husband, Marvin, and I who saved the wooden steps. It was my idea that my father, Irving, write the existing engraved brass words on the plaque that I had erected in honor of Grace's 86th birthday. Situated from Montgomery Street on the left side and at the beginning of the wooden steps is the sign that now has become a landmark to her work. It was also Marvin and I who commissioned a watering system so Grace would not have to toil so much in the gardens.

My 1873 Carpenter Gothic house, which would view the condominium project from diagonally across the gardens has been in three historical books as well as the Telegraph Hill Historical District. Through the years it has weathered a few destructive tenants who wanted to live on the steps to view the beautiful gardens. In the next few months the house, which has been under restoration, will finally be finished, along with the placement of an American flag and a sign designating the owners of this sophisticated cottage. Since the entire building is the only outstanding vintage structure that still exists on the hill, I have been considering donating it to the city. Meanwhile, if any tourist happens to meander by while I or my assistant is outside and wants to see the house in progress, they are always welcome.

100 Palmetto Avenue
Pacifica, CA 94044
(415)359-4893

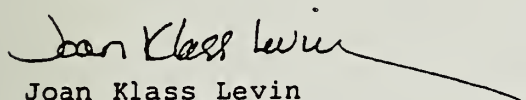
2.

This is just a little bit of what is left of San Francisco history, not the proposed Alta St./Grace Marchant Garden condominium project.

There are professionals in this group today that will view their concerns more specifically on the proposed building itself. It is my understanding that this project does not even meet the Telegraph Hill Historic District Ordinance. Please save a little more of charming San Francisco!

G-1

Sincerely,


Joan Klass Levin

JKL/rrs

copies: Jim McCormick
Jonas Ionin

LETTER G – JOAN KLESS LEVIN

- G-1) Comments noted. This letter does not address the adequacy of the DEIR. The comments will be considered by the decision-makers in their action on project approval.

SECTION E

PUBLIC HEARING COMMENTS AND RESPONSES

This chapter contains a transcript of the public hearing on the Draft EIR and the responses to those comments. Each substantive comment on the Draft EIR is labeled with a number in the margin and the response to each comment is presented following the commenter's remarks. For purposes of sequential reference with the written comments, these comments are designated as though they were contained in a second set of comment letters. Therefore, comments from the first speaker at the public hearing are answered in responses AA-1, AA-2, etc., from the second commenter, in responses BB-1, BB-2, and so on. Where responses have resulted in changes to the text of the Draft EIR, these changes will also appear in the Final EIR.

The reader should note that many responses refer to responses to comment letters, as some members of the public reiterated at the public hearing the comments made in comment letters.

Comments AA

I am Karen Kevorkian. And I am here to read a statement by Jane Winslow.

She writes: My name is Jane Winslow. Years ago, I, along with others here today, helped raise money to save the Marchant Garden from a large construction project. The Telegraph Hill Historic District was adopted in 1985 (sic). The designation process was started because of the owner of a large piece of property on Napier Lane, just off Filbert Steps, attempted construction that was completely out of scale with the surrounding buildings.

Thanks to the hard work of the Historic District and others, we now have guidelines to be followed for alterations and new construction within the district. The DEIR talks about these guidelines. In fact, it details the guidelines, and it includes the Historic District ordinance as an appendix. However, nowhere does the DEIR assess the proposed project against each individual guideline of the ordinance. Yet, somehow the author of the draft comes to the conclusion mentioned in several places that this project would conform to most of the guidelines. The analysis to come to this conclusion is nowhere to be found. The analysis, which is not difficult, must be done now.

AA-1

The DEIR says that the project will be assessed later against the Historic District ordinance when it is reviewed by the Landmarks Board and yourself for a Certificate of Appropriateness. The DEIR says, in effect, that since the project will have to conform to the ordinance, there can be no impact. It is not sufficient for the EIR to rely upon this future control. The EIR must perform this analysis now. Then the analysis will be used by the Landmarks Board and yourselves in the decision-making process for the Certificate of Appropriateness.

AA-2

I urge you to require that this analysis be done now, that the project be assessed in the EIR against each individual guideline of the Historical District ordinance. Thank you. (Karen Kevorkian, reading a statement by Jane Winslow)

Responses to Comments AA

AA-1) Please see the response to Comment A-2.

AA-2) Please see the response to Comment A-7.

Comments BB

Good evening, tired Commissioners. My name is Gerry Crowley, president of the Telegraph Hill Dwellers, and representing more than 650 households in the area.

This hearing is to review the Draft EIR for 22-30 Alta Street, a vacant lot on the east side of Telegraph Hill. This is no ordinary residential building site in San Francisco. It is the site of a former apartment building that was demolished in 1992, under much media coverage, after its foundation became undermined. The site today is a steep, barren cliffside dropping 100 feet over its 60-foot width. It is within the Telegraph Hill Historic District, a district that was created in 1986 to recognize an area of

BB-1

historic importance, includes the City's largest surviving collection of pre-1870 dwellings. Part of the subject lot has been cultivated for almost 50 years as the Grace Marchant Garden, an internationally renowned and historic open space. And it has magnificent views. It is at the end of a quiet street, and it is close to downtown. It would be a wonderful place to live. The view, by the way, spans from the Bay Bridge to Angel Island.

A Draft EIR has been written to assess the environmental impacts of a specific building that is proposed to be built on this site. You will hear from several speakers about areas of concern that we believe are either not addressed in the Draft EIR or should be further examined. I want to make one thing clear to you, however. We are not opposed to this site being developed, provided it can be done safely. We are opposed to a project that does not conform to the laws of the City as they currently exist. We do not believe that the proposed building conforms to those laws.

**BB-1
(cont.)**

What we are handing to you now are written comments on the Draft EIR. I would urge you to listen carefully to the comments we make this evening and to review carefully the material we are providing in order that a fully informed, balanced, objective, lawful EIR may be finalized. I think you can appreciate that we had a lot of people here earlier today who came to support our position, but due to prior commitments they have had to leave. Thank you for your time. (Gerry Crowley, President of Telegraph Hill Dwellers)

Responses to Comments BB

BB-1) The comment is noted. The commenter does not make any specific remarks about the content, adequacy or accuracy of the Draft EIR, and no response is required.

Comments CC

Commissioners, my name is Larry Habegger, and I am president of Friends of the Garden. This is a very significant site, and I think a little background on why it is so significant is important.

Very quickly, I'll give you a little bit of background. The Grace Marchant Garden is a world-famous garden that is enjoyed by thousands of San Franciscans, Bay Area residents, and people from all over the world and all over the United States. It is mentioned in just about every major travel guide book in San Francisco in the English language. Many in other foreign languages, as well, French and German for sure, and probably several others.

It was started by Grace Marchant during the Truman administration and maintained by her with no compensation until she died at Age 96 in 1982. Since then, Gary Kray has maintained and improved the Garden -- again, with no compensation. And this represents more than 50 years of continuous volunteer effort to provide this island of serenity to the people of San Francisco.

CC-1

It is an oasis of calm in a congested neighborhood. It is a place of contemplation. Alastair Cook in his "America" series for PBS called it -- he opened an episode at the Garden, and he called it one of his favorite places in America. It is called "A Touch of Eden" in Gianni Longo's book that came out in 1996 called "Great American Public Places." And it is no accident that in this book, which showcases 60 of America's best public places, the Grace Marchant Garden is the very first site mentioned in the

book. The author, when told about the threat to the Garden, donated copies of the book for all of you, which I will present as soon as I finish.

For evidence of how important the Garden is, I think we only need to look back to 1985 and 1986 when the Garden faced a similar threat of development. Thousands of people responded. And our effort to stop the project was endorsed by both of San Francisco's major daily newspapers, by many of the areas --.

Easements. Ten years ago, we were able to establish, through conservation easements that are now held by the City, that the Garden could never have been -- public property on which the Garden is partially situated could not be developed as anything but a garden, remaining a garden forever. Those easements are held by the City and they are part of our --. (Larry Habegger, President, Friends of the Garden)

CC-1
(cont.)

Responses to Comments CC

CC-1) The comment is noted. The commenter does not make any specific remarks about the content, adequacy or accuracy of the Draft EIR, and no response is required.

Comments DD

Good evening, President Chinchilla and Members of the Planning Commission. My name is Trent Orr. I am a lawyer who specializes in California Environmental Quality Act and Land Use. I am here representing the Telegraph Hill Dwellers, the Alta-Filbert Residential Association, and Friends of the Garden.

I have submitted today extensive written comments on behalf of my clients about this EIR and its inadequacies. I would like tonight just to underscore what really is the central problem, as we see it. The reason you are here, this might be something that would otherwise be categorically exempt, but we are talking about a building in an Historic District which, under Article 10, Appendix G of the Planning Code of San Francisco, governs very carefully the development of that district.

That planning code was specifically created to protect the historic character of the entire district and to keep any new development to a scale and style which will not dominate or otherwise conflict with the appearance and context of the historic resources of the district, and to prevent new development that would impair the quality and public use and enjoyment of the district's gardens, open spaces, and cliffs, all of which are specifically mentioned in Appendix G.

The proposed project would be over twice the floor area and three times the volume of the building that preceded it that came down a few years back, 1992. It would create an open lot, a building substantially larger than any of the existing nearby buildings, and would literally loom over an existing historical structure on an adjacent lot and worse still, embrace the Grace Marchant Gardens, an urban gem beyond price.

The California Environmental Quality Act requires an EIR to examine the consistency of a project with local plans to protect the environment. This EIR fails to take any sort of an honest look at the patent inconsistencies of this project as proposed with both the spirit and the letter of Appendix G of Article 10 of the Planning Code.

DD-1

It is crystal clear that Appendix G is meant to ensure that any new building in the district is fully compatible with the size, look, and feel of the district's existing historic character. Yet, the DEIR nowhere systematically compares the project to Appendix G's expressed requirements for new construction in the district. Nor does it fairly reveal the extent to which the project, especially compared to the existing lot, would shade the true Grace Marchant Garden, the small and beautiful site where Mrs. Marchant actually did her gardening.

DD-2

Instead, this EIR seems intent on finding any inconsistencies it can between isolated provisions of Appendix G and this huge structure, which is so clearly inconsistent with most of Appendix G's provisions and wholly out of keeping with the purposes for which the THHD, the Historic District, was created. The core problem here is in itself legally fatal and glaringly clear. The EIR on this project must forthrightly address its grossest inconsistencies with the planning code, and the Planning Commission's wise decision in 1996 to protect vigorously the character of the entire district. Thank you. (Trent Orr, Attorney representing Telegraph Hill Dwellers, Friends of the Garden, and Alta/Filbert Preservation Association)

DD-3

Responses to Comments DD

DD-1) Please see the responses to Comments A-1 and A-2.

DD-2) Please see the response to Comment A-9 and B-36.

DD-3) Please see the response to Comment A-2.

Comments EE

Good evening. My name is Leo McLaughlin. I am a Telegraph Hill dweller, resident, and owner.

Here in San Francisco, historical resources are protected by the Planning Code's Historic District ordinances and a series of city bodies such as the Landmarks Preservation Advisory Board and yourself. The flaws in the Draft EIR's review of this project's conformance to the Telegraph Hill Historic District ordinance are many and varied, as shown in Appendix A of our comments on the Draft EIR. But the basic flaw is the Draft EIR's misunderstanding of the ordinance. It states that some of the style guidelines do not apply to the current project, proposed project, because it is a new modern building. However, what the ordinance actually says is that new contemporary buildings are allowed, and even encouraged, if the style guidelines are met.

EE-1

The Draft EIR also fails to mention the decisions of our city bodies that apply to this project. Twice now -- once about four years ago and again over a year ago -- this project was brought before the Landmarks Advisory Board and rejected both times unanimously with the message that a dramatic reduction in size is necessary before the project can even begin to be considered.

EE-2

It also fails to mention the precedent set by this organization for 1304 Montgomery Street where a proposed project had met all of the size and mass requirements of the Historic District ordinance, was rejected solely because it failed the wood siding, wood windows guidelines. The sponsors of that project made arguments similar to those proposed by the developer in this one, that because the building was modern it was somehow exempted from some or all of the Historic District requirements. That argument was firmly rejected by this board.

EE-3

Yet somehow, despite all this, the EIR as it now stands finds no significant impact on historical resources. By (unintelligible), that the approval of the project so flagrantly in violation of the Historic District ordinance, failing all but one test, so flagrantly in violation of the Landmarks Preservation Board's instructions, and so flagrantly in violation of the precedence set by this board, that the approval, never mind the construction, the approval of this project would quickly lead to the demolition, destruction, relocation, and alteration of the Telegraph Hill Historic District.

Thank you. (Leo McLaughlin)

Responses to Comments EE

EE-1) Please see the response to Comment A-2.

EE-2) The review before the Architectural Review Committee of the Landmarks Preservation Advisory Board in 1995 was for a completely different design than for the project reviewed by the Architectural Review Committee in 1997, therefore discussion in the DEIR about the 1995 meeting is limited to merely stating that it occurred. Also, please see the response to Comment B-14.

EE-3) As discussed in the response to Comment A-2, the Certificate of Appropriateness review conducted by the Planning Commission (with advice from the Landmarks Preservation Advisory Board (LPAB)) is separate from the CEQA review process for which the DEIR has been prepared. As such, any "precedent" that may have been set by the LPAB in its Certificate of Appropriateness review for 1304 Montgomery Street is not directly pertinent for determining, for CEQA purposes, the level of physical effects of the proposed project on the environment, including the Telegraph Hill Historic District. It does, however, illustrate that the LPAB and Planning Commission have complete discretion to disapprove the Certificate of Appropriateness application without relying on any CEQA findings of significance. The referenced 1304 Montgomery Street project was not subjected to environmental review. (It should be noted that a Certificate of Appropriateness was approved for the project in question, but requiring wood siding, contrary to the sponsor's wishes.)

Comments FF

Good evening. My name is Staci Shember. I am also a Telegraph Hill dweller and resident. I'll get to the point. As you have been hearing, we believe the Draft EIR is deeply flawed. Its main argument is that the proposed project, one that is two to three times the size of the demolished McNear Building, is an insignificant change to this site. However, if an independent observer could somehow buy that argument, we must remember that argument is irrelevant. Not only does CEQA require the EIR to address the impact against current conditions, and not some distant past, but if this site had laid vacant for years and someone proposed the old McNear Building today, it, itself, would fail Historic District standards for size, style, and compatibility with nearby adjacent structures.

FF-1

Let me say that again. The Draft EIR argues the proposed building is somehow not significantly different than the building one-half to one-third its size, a building that itself would be too large and too stylistically different to meet current standards. And, remember, again, this argument is specious anyway, because CEQA requires comparison to the existing vacant lot.

The Draft EIR also argues that the proposed project will have no impact on the Historic District because it is only one project on one site, as if somehow the restrictions on alterations and new construction afforded by CEQA in the Telegraph Hill Historic District ordinance were somehow meant to apply to something other than individual building sites.

**FF-1
(cont.)**

The real and legal test here is whether this project, if it were built on each and every vacant or non-contributory lot would affect the Historic District. Imagine that for a moment. Envision buildings with the same mass and same style and the same disregard for the natural slope built all over the hill, each one dwarfing a small cottage nearby. Suddenly, the Historic District, as we know it, ceases to exist. With this in mind, I feel certain you cannot accept the Draft EIR as proposed.

Thank you. (Staci Shember)

Responses to Comments FF

- FF-1) As discussed in the response to Comment A-20, the proposed project was evaluated based on existing site conditions. As discussed in the response to Comment A-2, the commenter is correct in stating that construction of a replica of the McNear building would not be completely compatible with the style guidelines set forth in Article 10, Appendix G of the Planning Code. However, lack of compliance with the provisions of Article 10 does not necessarily mean that a project would have a significant effect on the environment from a CEQA standpoint. As discussed in the response to Comment A-2, the CEQA review process for which the DEIR was prepared is distinct from the Certificate of Appropriateness review process that determines a project's compatibility with the Planning Code's provisions (Article 10, Appendix G) regarding the Telegraph Hill Historic District.

Comments GG

Thank you very much for letting me speak. My name is Stan Hayes. I am the owner and the occupant of 25 Napier Lane, just across the Filbert Steps from this proposed development. I am here tonight because I wanted to comment on what I think are serious flaws in the Draft EIR that you have before you tonight.

For my 16 years on the Planning Commission in Marin County, I understand and sympathize with the difficulties that you are facing here as you try to judge the adequacy of this draft. A lot of work has been done, but the core of the question is simple: Is this draft sufficient as an informational document for you and the public? Does it fully analyze and characterize the major environmental impacts of this project? I would suggest to you that it does not.

Here are three reasons why: First, the draft fails to compare the project to clear tests of environmental impact significance that are established by other city statutes and policies. For example, the Historic District provisions of Article 10, Appendix G of the planning code, at least eleven policies in the City's General Plan, and three of the eight priority policies adopted in Proposition M directly apply to the project. Yet, the draft fails to analyze quantitatively or otherwise the implications of these critical and directly applicable statements of city law and policy to the design and project.

GG-1

Secondly, in evaluating the proposed project's impacts on historic resources, the draft fails to identify and recommend mitigations for significant environmental impacts for the centerpiece elements of the Telegraph Hill Historic District. Under CEQA, the district is a historic resource. The project would materially impair the historic resource CEQA requires it to be judged a significant environmental impact and mitigation measures identified.

GG-2

How should we judge material impairment? One standard I might suggest might be the criteria for approving the Certificate of Appropriateness under Appendix G of Article 10. Among other things, Appendix G requires the new construction be compatible with both adjacent buildings and nearby historic contributory buildings. The proposed building is twice the size of the building that was there before. It is nearly eight times larger than the cottage next door at 221 Filbert. It is more than three times larger than the building next door at 34 Alta. It fails in a number of ways this particular test.

GG-3

Thirdly, the Draft EIR fails to analyze the impact of the proposed building on adjacent cliffs. Appendix G identifies the cliffs, including those which the project proposed to build on, as, quote, a highly significant, aesthetically important component defining the setting of the district. Yet the draft of the EIR does not analyze the impact of the proposed project on the cliff for the stabilization measures that are going to be proposed. I would suggest to you that it needs to.

GG-4

Finally, all these three questions I believe are critically important: Does the draft properly analyze the implications of city law and policy on the design of the project; it does not. Does the draft adequately evaluate the project's impact on the Telegraph Hill Historic District; it does not.

GG-5

Thank you very much, and I urge you to use your best judgment in approving this document. Thank you. (Stan Hayes)

Responses to Comments GG

GG-1) Please see the response to Comment A-1.

GG-2) Please see the response to Comment A-17.

GG-3) Please see the responses to Comments A-2 and A-5.

GG-4) Please see the response to Comment A-3.

GG-5) The DEIR adequately addresses applicable city law and policy regarding the project, beginning with the description of Project Approval Requirements and General Plan Policies on page II-10, and continuing within each impact section. The DEIR also provides a thorough evaluation of impacts on the Telegraph Hill Historic District, as impacts on the District are the primary issue analyzed in each of the impact sections. Also, see the responses to Comments A-1, A-2, and A-3.

Comments HH

My name is James Attwood. My wife and I live in and own 221 Filbert Street, which is small cottage immediately adjacent to the project site.

The Draft EIR discusses in some depth the shading the proposed building would place on the Grace Marchant Garden. In fact, this section of the draft covers some 22 pages and includes some 17 diagrams. It appears to be a very thorough job. However, there are several omissions and inconsistencies in this analysis. The detail of each of these is set forth in the written comments that we have submitted to you. I'd like now to stress three of them.

Firstly, the principal conclusion in the Draft EIR is that the proposed building would add shadow to the Grace Marchant Garden and adjoining areas from an interval of about two hours, 10:00 a.m. to noon, during two six-week intervals from late January until early March, and from early October until late November. Firstly, this is not insignificant. This is two hours out of the four strongest hours of sunlight during the day, not two hours out of 24.

HH-1

Second, if you were to look at the diagrams in the Draft EIR for March 21 and September 21, for 9:00 a.m., 10:00 a.m., and 12:00 noon, they clearly show shadow falling across the Garden. That is three hours in late March and September, not two hours ending early March or starting October as the Draft EIR concludes.

HH-2

Third, the Draft EIR mentions Section 295 of the planning code, the Sunshine Ordinance which protects certain open spaces against shading by new development, and concludes that that section does not apply here. We do not argue with that. But what the Draft EIR does not mention is Section 101 of the Planning Code that does apply. The eighth priority policy of San Francisco's Master Plan, as set forth in Section 101 of the Code states that, "Our parks and open space and their access to sunlight and visitors be protected from development." It is essential that the EIR address the proposed project against that statute.

HH-3

Lastly, CEQA requires an analysis of cumulative impacts if they are significant. The shadow analysis in the Draft EIR does discuss cumulative impacts but only in respect to future projects. It concludes that as there are no other reasonably foreseeable projects that could add shadow, no cumulative impacts are anticipated. But CEQA requires that cumulative impact be assessed in respect to past, present, and future projects as well as those in the future.

HH-4

An analysis of the shading that this project would cause, together with the existing buildings that are to the south and the west of the Grace Marchant Garden, will show that a large area of the Garden will be in shade almost all day for nearly six months in the year. That is significant. It will have a detrimental impact on the Garden, and must be analyzed in the EIR.

Thank you. (James Attwood)

Responses to Comments HH

HH-1) Please see the response to Comment B-36.

HH-2) Please see the response to Comment B-36.

HH-3) Please see the response to Comments A-1, B-35, and B-36.

HH-4) Please see the responses to Comments A-4, A-8 and F-7. Also, please see the response to Comment B-36 regarding shadow impacts.

Comments II

Good evening. My name is Alan Kropp. I am a geotechnical engineer, and we work[ed] with the Consulting Engineering Geologist Jim Joyce to review the geotechnical and geologic conditions on this site. It is summarized in the applicant's report as well as the Cotton, Shires section of the Draft EIR. We have submitted written comments, and that is within the bound document that's been submitted to you.

With regard to the Draft EIR, Cotton, Shires has said, and we agree, that the studies performed to date have not been adequate to demonstrate the stability. This is a somewhat complex geologic environment. There are two basic layers there. Both of them need to remain in place for long-term stability of the foundation. We don't think enough study has yet been performed that demonstrates the geologic stability of this site for the proposed project.

II-1

The second issue is that the foundation system proposed is intended to carry the building loads vertically down into the ground. Normally when you are very close to a face of a slope, you would like also to have tie-backs or horizontal restraints for your foundation system. This is not currently being proposed, and we believe that it needs to be discussed in the Draft Environmental Impact Report for adequate characterization of the stability of this proposed project.

Thank you. (Alan Kropp)

Responses to Comments II

- II-1) Please see the response to Comment B-42. Further, the commenter is incorrect in stating that the proposed foundation system does not include tie backs or horizontal restraints. Regarding the proposed foundation design, page 8 of the Rogers/Pacific report states: "The piers nearest the slope face will be restrained from lateral movement at their tops by an interconnecting system of tie beams/walls designed to act simultaneously as shear walls."

Comments JJ

Good evening. My name is Lance Carnes. I'm a member of the Telegraph Hill Dwellers, and a resident of Telegraph Hill. The point I am going to address this evening is the omission of the findings of the Architectural Review Committee's findings from the Draft EIR.

The findings of the Architectural Review Committee, the Landmarks Preservation Advisory Board, were that the project was not appropriate to the character of the Telegraph Hill Historic District. The committee recommended denial of the Certificate of Appropriateness to the project. The committee further recommended a reduction in mass and area compatible with neighboring buildings.

The fact that the Architectural Review Committee met to consider the project is mentioned in the Draft EIR, but the architecture -- the A.R.C.'s unanimous conclusions are not mentioned anywhere in the Draft EIR. The findings and recommendations of the A.R.C. were the result of breathtaking extensive testimony and their examination of many submissions. Theirs was not a cursory review but a careful examination of many of the same issues covered in the Draft EIR.

The omission of this critical information from the Draft EIR is a serious oversight, especially since the Draft EIR purports to examine the project's impacts on historic resources, and since the information produced by the A.R.C. contradicts the Draft EIR's unsupported conclusions in this matter. Therefore, we strongly feel that the findings of the A.R.C. should be discussed and reviewed in the final EIR.

JJ-1

Thank you. (Lance Carnes)

Responses to Comments JJ

- JJ-1) Please see the response to Comment A-6.

Comments KK

President Chinchilla, Commissioners, my name is Joe Luttrell. I am the immediate past president of the Hill Dwellers, and I live in the Historic District. The hour is late. I hope you can bear with me on one issue. The issue is: Does this Draft EIR explore reasonable alternatives.

The CEQA standard requires that the reasonable alternatives must be thoroughly assessed. That is a quotation. Now, if we look in this large document, this Draft EIR, we find that two pages are devoted to exploring alternatives. Only two. And they are not pages which do a reasonable, thorough job. The first alternative explored is no project, but that alternative is almost immediately discarded because it is said this project will help make the hill safe. But nowhere in the reasonable assessment, so-called, are we told why a project this big is needed to make the hill safe. Can't you make the hill safe another way? That has to be explored.

Number 2. The only other alternative explored is the prior building on the site, the one that fell down the hill. Now, there it said that alternative is no good either. Because -- why? Because that building had no parking, and the code requires parking. Well, why not consider the previous building with parking? That reasonable alternative is not explored.

Last. The Landmarks Board proposed that a cottage go in on the site, a cottage that could be a single-family home with four bedrooms, four-and-a-half baths, a multi-million dollar structure on that site. We have put in our Appendix C this alternative. It seems, to us, to be reasonable. This alternative has not been mentioned, let alone explored.

So we say there are at least three alternatives, which could be explored which so far have not been explored in the way the CEQA requires. And we ask you, as part of your direction to the staff, to say: Look at these. Look at them in a reasonable, thorough way, and come back to us with some real answers.

Thank you. (Joe Luttrell)

KK-1

Responses to Comments KK

KK-1) Please see the responses to Comments A-21 and A-22. The commenter questions if there would be a way, other than the proposed project, to safely stabilize the cliff face on the project site. In fact, the sponsor could choose to stabilize the site but not build the proposed structure. While this would be theoretically possible, such an alternative would actually be a variant of the No Project Alternative and would similarly be rejected by the sponsor because it would not meet any of the sponsor's objectives for the project. The suggested alternative of stabilizing the site through construction of a building smaller than the proposed project would be equivalent to the Replacement Alternative discussed in the DEIR. As noted in responses to Comments A-21 and A-22, the EIR also evaluates another alternative that would construct a single-family dwelling on the project site. This Alternative C is now the project sponsor's preferred alternative.

It should be noted that the prior (McNear) building did not “fall down the hill,” as stated by the commenter. Instead, as described in the EIR on p. III.E-3, rainwater apparently seeped into the hillside during City repaving of Alta Street, resulting in a rockfall that detached the gunite slope treatment that had been protecting the cliff below the project site. Without the gunite slope treatment or the pavement on Alta Street, infiltrating surface water further degraded the shale slope, which eventually undermined portions of the McNear building foundation and resulted in the failure and destruction of the retaining wall originally placed along Alta Street. As a result of this slope failure, the City demolished the McNear building and undertook additional slope protection measures.

Comments LL

I am Arthur Chang. I am here to read Howard Wong's statement. He has had to leave because of time.

He writes: My name is Howard Wong. I am a San Francisco architect and a native of San Francisco and Telegraph Hill. The proposed Draft Environmental Impact report for 22-30 Alta Street does not conform to the guidelines of the Historic District ordinance. The recommendation of the Architectural Review Committee and the Landmarks Board have not been honored. The sentiment of the neighbors and the surrounding community for the protection of the Grace Marchant Garden and the preservation of historic pattern of smaller dwellings has not been fundamentally addressed.

LL-1

It is important to step back and review the historic purposes for the establishment of (unintelligible) like the City Planning Department and Planning Commission, as well as the noble intents of the Historic District protective measures. In essence, a great city like San Francisco requires intelligent planning and design direction in order to enhance its beauty, vitality, and quality of life. It needs to be a delicate balance of many dominating forces for the common good.

Today, the community is, again, fighting for the preservation of historic tradition of Telegraph Hill, a world-renowned model for (unintelligible) streets, foot paths, side cliffs, gardens, et cetera, with character and still the historical significance and global image as powerful as that of Paris and Mediterranean villages (unintelligible). We have something very sacred entrusted to our care for future generations. (Arthur Chang for Howard Wong)

Responses to Comments LL

LL-1) Please see the response to Comments A-2.

Comments MM

And for myself, Arthur Chang, a member of Telegraph Hill, I also want to make a comment. I have been only recently involved in planning and zoning affairs of the city, and I am appalled to find in this city money can buy anything. You have heard what people have said before, how much this EIR does not address the issues either required by law or by the codes of the city.

What we have here is a snow job, a whitewash for somebody to make money off of a sacred piece of property over a sacred garden that should be preserved. So look at the report with the answers to the EIR by the Telegraph Hill people. They make a point. Many have already been stated. Overlook the snow job.

Thank you. (Arthur Chang)

MM-1**Responses to Comments MM**

MM-1) The comment is noted. The commenter does not make any specific remarks about the content, adequacy or accuracy of the Draft EIR, and no response is required.

REFERENCES - PUBLIC HEARING COMMENTS

Except where noted, the materials referenced in this EIR are on file and available for review at the San Francisco Planning Department, 1660 Mission Street, as part of the project file.

CHAPTER IX

APPENDICES

APPENDIX A: Initial Study

**APPENDIX B: Landmarks Preservation Advisory Board Final Case Report
(August, 1985)**

APPENDIX C: San Francisco Planning Code Article 10, Appendix G

APPENDIX A: INITIAL STUDY

**NOTICE THAT AN
ENVIRONMENTAL IMPACT REPORT
IS DETERMINED TO BE REQUIRED**

Date of this Notice: May 9, 1998, Amended October 7, 1998.

Lead Agency: City and County of San Francisco, Planning Department
1660 Mission Street, 5th Floor, San Francisco, CA 94103

Agency Contact Person: Jim McCormick **Telephone:** (415) 558-6394

Project Title: 97.433E: 22-30 Alta Street **Project Sponsor:** Alta Street Development, LLC
Contact Person: Peter Pfau

Project Address: 22-30 Alta Street
Assessor's Block and Lot: Block 106, Lot 34A
City and County: San Francisco

Project Description: Construction of a three-unit, six-level residential condominium building with parking for five automobiles. The proposed structure would have three levels above the existing grade at Alta Street and three levels stepping down Telegraph Hill towards the north. The parking garage would be located at street level on Alta Street. The project site is adjacent to the Filbert Street right-of-way, which includes the Grace Marchant Garden and Filbert Steps, and is located within the Telegraph Hill Historic District.

THIS PROJECT MAY HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT AND AN ENVIRONMENTAL IMPACT REPORT IS REQUIRED. This determination is based upon the criteria of the Guidelines of the State Secretary for Resources, Sections 15063 (Initial Study), 15064 (Determining Significant Effect), and 15065 (Mandatory Findings of Significance), and the following reasons, as documented in the Initial Study for the project, which is attached.

Deadline for Filing an Appeal of this Determination to the City Planning Commission: June 8, 1998.

An appeal requires:

- 1) a letter specifying the grounds for appeal, and;
- 2) a \$209.00 filing fee.


HILLARY E. GITELMAN, Environmental Review Officer

22-30 ALTA STREET
INITIAL STUDY
97.433E

I. PROJECT DESCRIPTION

The project site is 22-30 Alta Street in the Telegraph Hill neighborhood of San Francisco, on the north side of Alta Street, at the end of a dead-end street. Alta Street is between Union and Filbert and Montgomery and Sansome Streets (see Figure 1). The project site is adjacent to the Filbert Street right-of-way, which includes the Grace Marchant Garden and Filbert Steps, and is located within the Telegraph Hill Historic District. The 7,500 (120' x 62.5') square-foot site consists of Lot 34A of Assessor's Block 106, and is currently vacant except for the remains of a previous apartment building foundation that was razed by the City in 1992. The rectangular site slopes very steeply down the face of Telegraph Hill to the north and east, dropping more than 60 feet vertically over its 120-foot horizontal length.

The project would construct a six level, three-unit residential condominium structure. The building would include approximately 5,575 square feet (sq. ft.) of occupiable floor area, or approximately 1,860 sq.ft. per unit. Parking and circulation space, including the lobby, would total about 2,240 sq. ft., for a total of about 7,815 sq. ft. Each unit would be on two levels and would have a distinct floor plan from the other units. Each unit would have two bedrooms and two would have two bathrooms, while one would have three bathrooms.

The proposed building would cover about 36 percent of the lot.¹ Setbacks of the building would range from 17 to 22 feet along the east lot line (location of the stairwell) and be more than 51 feet from the rear (north) property line. There would be no setbacks from the front (south) or west lot lines.

The building height, measured according to the Planning Code², would be approximately 32 feet above street grade on Alta Street. At the rear, the maximum dimension along the north elevation would be approximately 73 feet, achieved in four separate wall planes, each set back from the one below. On the east elevation, the building would rise about 82 feet above the top of the steep slope. A parking garage would be located at street level (overall level four) with space for five automobiles. Entrance to the structure would be from Alta Street for pedestrians and vehicles. No demolition of existing structures would be involved. A rear exit would be located on the north side of the building (see Figure 2). An existing low concrete wall that runs along the eastern edge of Alta Street, and that was extended in front of the entire length of the project site subsequent to the previous building located on the site being torn down, would be removed.

¹ Because of the steepness of the site, particularly along its eastern edge, it is likely that portions of the property are not suitable for development.

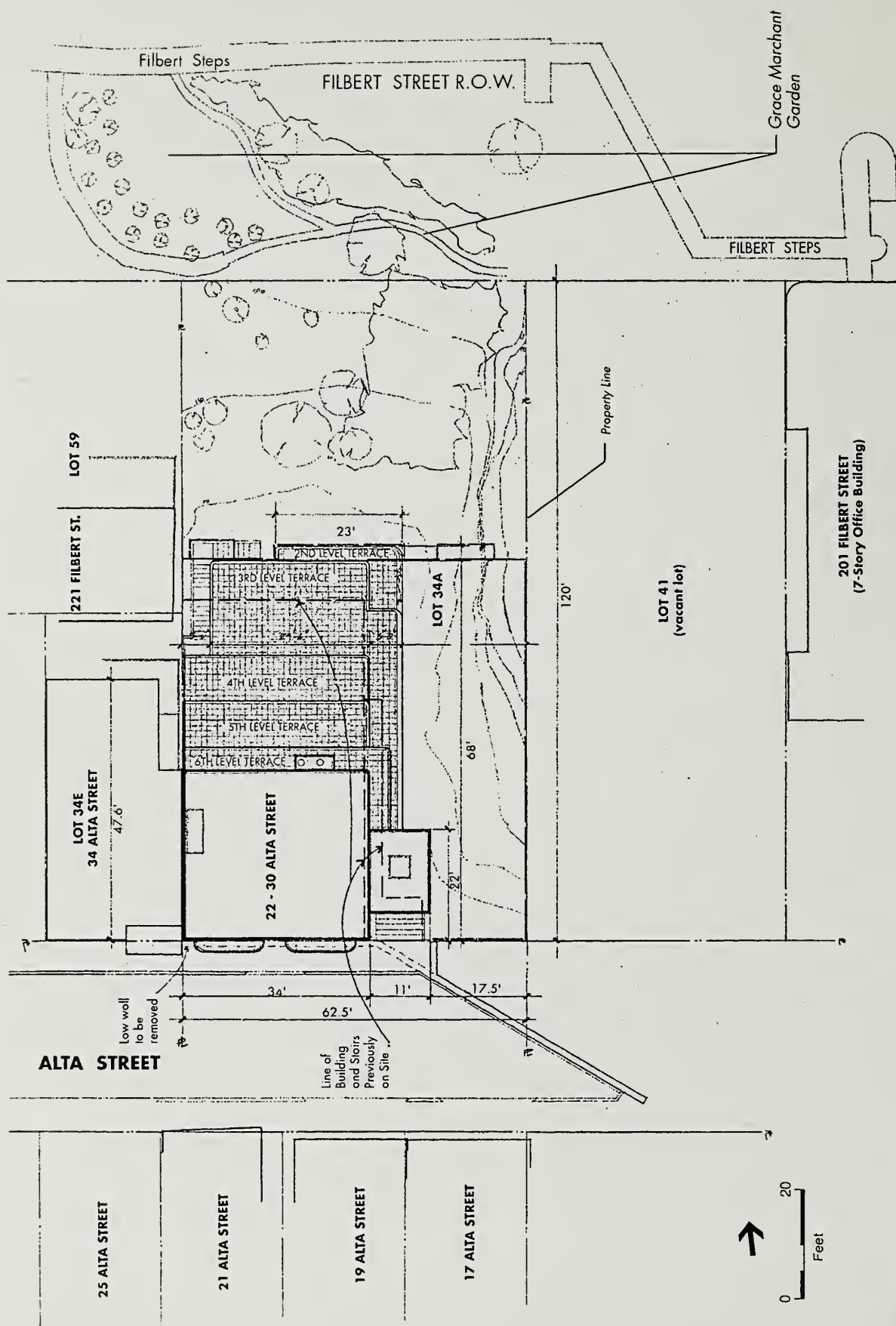
² According to Section 102.12B of the Planning Code, structures on downward sloping lots are measured at their centerline from the curb to roofline.



22 - 30 Alta Street ■

SOURCE: Environmental Science Associates

Figure 1
Site Location Map



22-30 Alta Street

Figure 2
Site/Roof Plan

SOURCE: McEachron Architects Inc.

The Alta Street (south) elevation would include two stories of bay windows with horizontal banding above a solid garage door (see Figure 3). An entrance along the eastern side of the south elevation would include metalwork and etched glass above the doorway and a skylight over the entrance lobby. The exterior would have a cement plaster finish. A building logo and the street name and address would be displayed on a cantilevered extension of the second-story facade that would serve to shelter the entry. The building design's Moderne references include curved terraces and building edges, cantilevered balconies, a cement plaster finish, horizontal window banding, and pipe terrace railings.

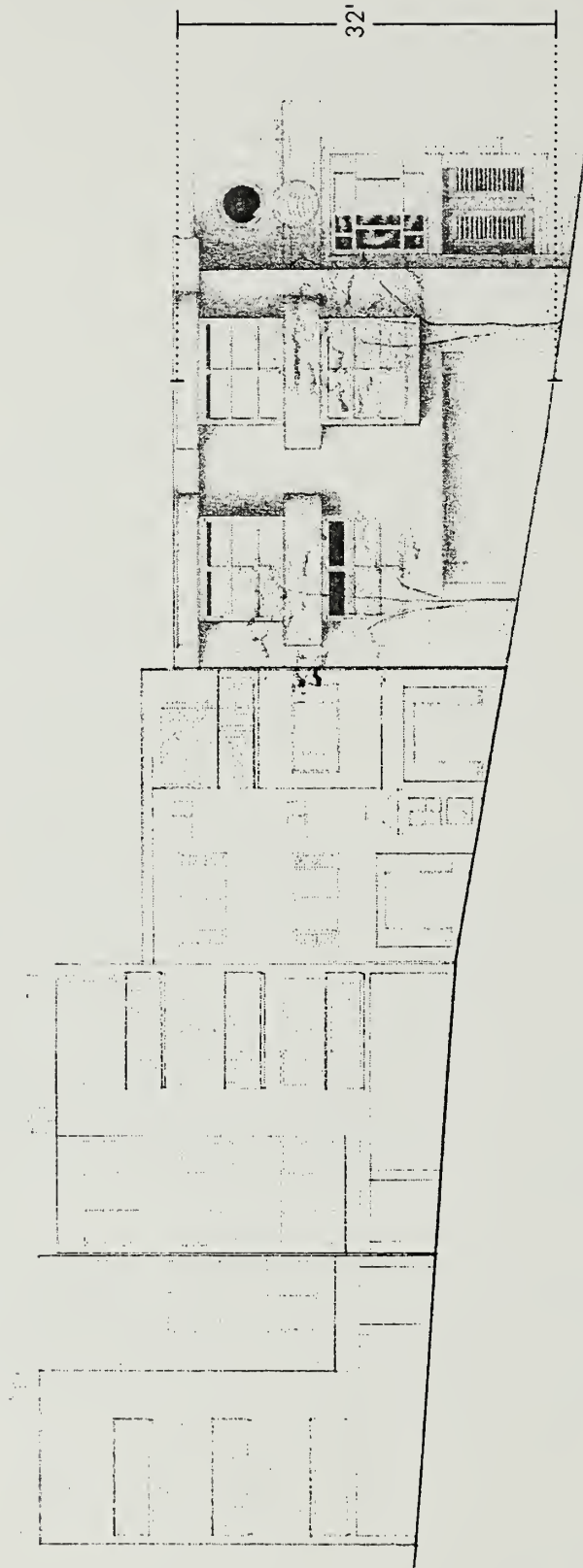
The western elevation of the building would primarily be adjacent to the existing apartment building at 34 Alta Street, however a portion of the proposed structure would extend beyond 34 Alta Street downslope to the north (see Figure 4). Each of the six levels of the building would include a terrace of varying size, that would wrap along the rear (north) and east-facing elevations of the building (see Figure 5). The southern portion of the east elevation would include an enclosed stairwell with three small rectangular windows at levels 3-5 and four rectangular glass block windows at levels 3-6 (see Figure 6).

Although the site is currently vacant, the Fred McNear Jr. Apartment Building was located there from 1935 to 1992.³ This structure was a five-level, five-unit Moderne building of about 3,250 sq.ft. of occupied floor area and about 3,750 total sq. ft. (including lobby and circulation space). It rose one and one-half levels above Alta Street and extended three and one-half levels below Alta Street at the rear, or five stories in all, compared to six stories currently proposed. The McNear building had no on-site parking.

In 1992, while roadwork was being performed on Alta Street by the City that included removing the street's top concrete layer, two weeks of unexpected heavy rain fell on the City during what had been a drought year. The McNear building had been built with a shallow footing on the loose rock of the site and the rainfall led to the building's foundation being undermined. The concrete was subsequently replaced on the street, but the McNear building was ultimately deemed unsafe for habitation and demolished by the City. Subsequently, the City undertook major stabilization measures, including but not limited to: substantial scaling of loose rock, a pier-supported wall at the end of Alta Street, installation of rockbolting, and rockfall netting. The proposed project is intended to replace this destroyed building and takes cues from its Moderne architectural qualities.

The proposed project would include extensive efforts to ensure stability of the site and the structure proposed for the site. The remains of the foundation from the McNear building would first be removed. A system of vertical piers, up to as much as 40 feet deep, would be installed into the slope and restrained from lateral movement by a system of beams and walls. A drainage system that would include horizontal drains of more than 30 feet in length would be installed to insure proper site runoff.

³ Although not now referred to by this name, for purposes of this document, the former building located at 22-30 Alta Street will be referred to as the McNear building, after an early owner. According to David Myrick's *San Francisco's Telegraph Hill*, the former building is named the Fred McNear Jr., Apartment Building.



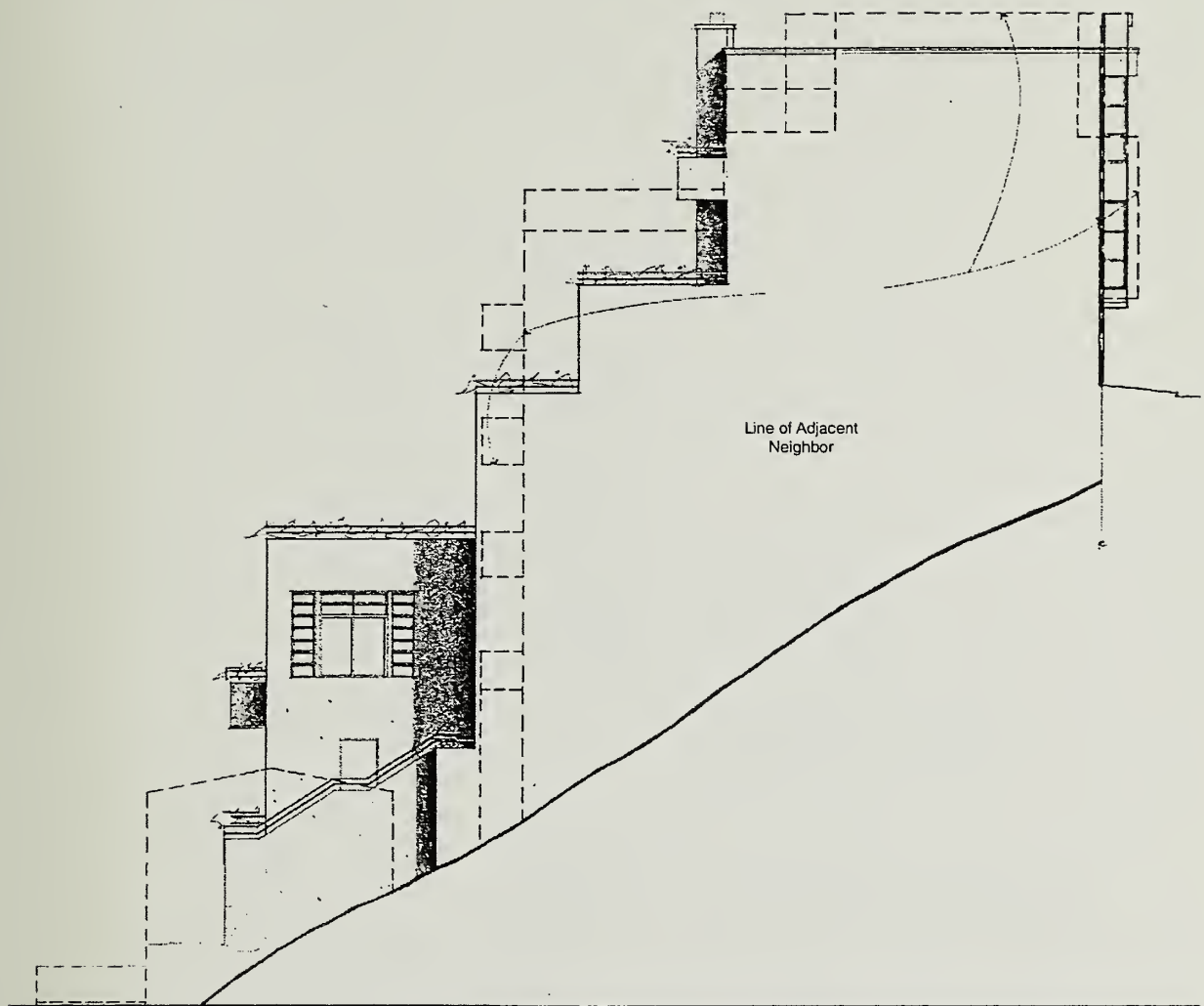
Existing Buildings Proposed Project

0 16
Feet

SOURCE: McEachron Architects Inc.

22 - 30 Alta Street ■

Figure 3
South Elevation

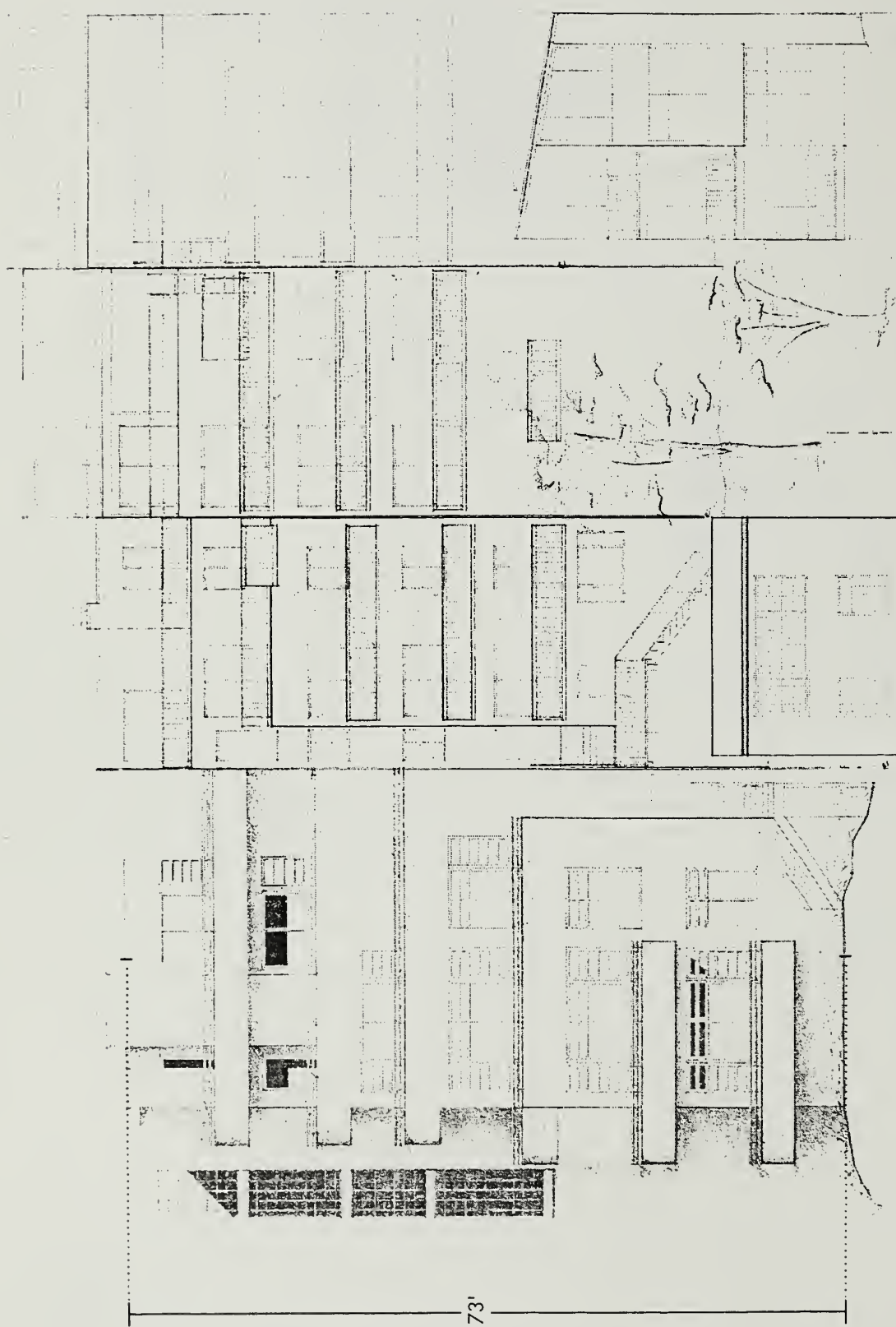


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SOURCE: McEachron Architects Inc.

22 - 30 Alta Street ■

Figure 4
West Elevation



Existing Buildings

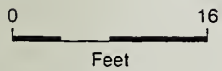
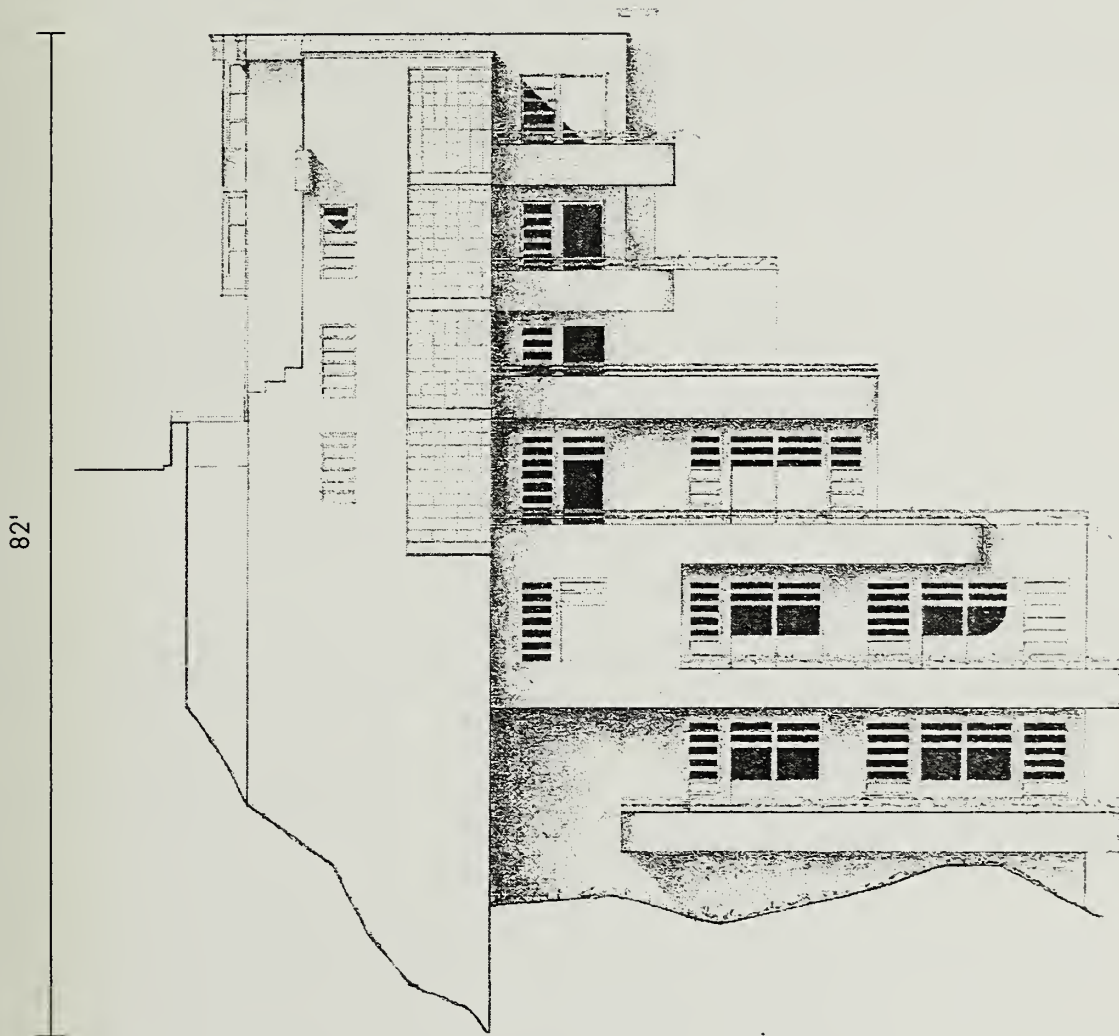
Proposed Project

22 - 30 Alta Street

SOURCE: McEachron Architects Inc.

Figure 5

North Elevation



SOURCE: McEachron Architects Inc.

22 - 30 Alta Street ■

Figure 6
East Elevation

The project site is within an RH-3 (Three-Family) District and a 40-X Height and Bulk District (40 foot maximum height limit, no bulk limit). This district allows three units per lot and one unit per 1,000 sq.ft. of lot area as a conditional use (a maximum of seven units would be permitted on the subject site). The project would be a permitted use in the RH-3 District and would comply with the Planning Code requirements concerning height, bulk, and use of that district. Project construction would take about 12 months, with occupancy planned for late 1999.

II. SUMMARY OF POTENTIAL ENVIRONMENTAL EFFECTS

A. EFFECTS FOUND TO BE POTENTIALLY SIGNIFICANT

The 22-30 Alta Street project is examined in this Initial Study to identify potential effects on the environment. Two project-specific effects, impacts on historic architectural resources and shadows, have been determined to be potentially significant and will be analyzed in an Environmental Impact Report (EIR). Although no potentially significant land use, visual quality, biological, or geologic/seismic impacts have been identified, a discussion of these issues will be presented in the EIR for informational purposes. The biology and visual quality sections will be included in the EIR in order to fully address the effects upon historic architectural resources and the public open spaces of the Grace Marchant Garden and Filbert Steps.

B. EFFECTS FOUND NOT TO BE SIGNIFICANT

The following potential impacts were determined either to be insignificant or to be mitigated through measures included in the project. These items are discussed in Section III below, and require no further environmental analysis in the EIR: population, transportation, noise, air quality, wind, utilities/public services, water, energy, hazards, and archaeological resources. As noted above, although no potentially significant land use, visual quality, biological, or geologic/seismic impacts have been identified, these issues will be addressed in the EIR for informational purposes only.

III. ENVIRONMENTAL EVALUATION CHECKLIST AND DISCUSSION

A. COMPATIBILITY WITH EXISTING ZONING AND PLANS	<u>Discussed</u>	Not <u>Applicable</u>
1) Discuss any variances, special authorizations, or Changes proposed to the City Planning Code or Zoning Map, if applicable.	<u>X</u>	<u> </u>
* 2) Discuss any conflicts with any adopted environmental Plans and goals of the City or Region, if applicable.	<u>X</u>	<u>X</u>

The San Francisco Planning Code, which incorporates by reference the City Zoning Maps, governs permitted uses, densities and configuration of buildings within San Francisco. Permits to construct new buildings or to alter or demolish existing ones may not be issued unless the proposed project conforms to the Code or an exception is granted pursuant to provisions of the Code. The proposed project would comply with Planning Code requirements concerning height, bulk, and use in the RH-3 (Three-Family)

* Derived from State EIR Guidelines, Appendix G, normally significant effect.

District and the 40-X Height and Bulk District (40-foot maximum height limit, no bulk limit) in which it would be located. The blocks surrounding the project site on Telegraph Hill are also zoned RH-3 and are within a 40-X Height and Bulk District. At the bottom of the hill, to the east along Sansome Street, is a C-2 (Community Business) use district.

The Planning Code states that in the RH-3 District “. . . structures with three units are common in addition to one-family and two-family houses. The predominant form is large flats rather than apartments, with lots 25 feet wide, a fine or moderate scale and separate entrances for each unit. Building styles tend to be varied but complementary to one another. Outdoor space is available at ground level, and also decks and balconies for individual units” (Section 206). The project would be a permitted use in the RH-3 District. Except for a Certificate of Appropriateness, the proposed project would require no special authorizations pursuant to the Planning Code.

The Department of Building Inspection would require a building permit for the construction of a new building. The Department of Public Works would require a minor street encroachment permit to rebuild the curb for access to the proposed parking garage.

The project site is located within the Telegraph Hill Historic District. Appendix G to Article 10 of the Planning Code sets forth additional review provisions for Certificates of Appropriateness, which may be granted by the City Planning Commission upon the advice of the Landmarks Preservation Advisory Board (LPAB) as part of the project approval for, among other things, any new construction in the district. These provisions include compatibility with the character of the historic district, compatibility with prevailing heights (both topographic and built), and appropriateness of design. The proposed project would be subject to these provisions.

Environmental plans and policies, like the '97 *Clean Air Plan*, directly address physical environmental issues and/or contain standards or targets that must be met in order to preserve or improve specific components of the City's physical environment. The proposed project would not obviously or substantially conflict with any such adopted environmental plan or policy.

The City and County of San Francisco *General Plan* provides general policies and objectives to guide land use decisions and contains some policies related to physical environmental issues. In general, potential conflicts with the *General Plan* are considered by the decisions-makers (normally the Planning Commission) independently of the environmental review process, as part of the decision to approve, modify or disapprove a proposed project. Any potential conflict not identified here could be considered in that context, and would not alter the physical environmental effects of the proposed project.

On November 4, 1986, the voters of San Francisco passed Proposition M, the Accountable Planning Initiative, which added section 101.1 to the City Planning Code to establish eight Priority Policies. These policies are: preservation and enhancement of neighborhood-serving retail uses; protection of neighborhood character; preservation and enhancement of affordable housing; discouragement of

commuter automobiles; protection of industrial and service land uses from commercial office development and enhancement of resident employment and business ownership; earthquake preparedness; landmark and historic building preservation; and protection of open space. Prior to issuing a permit for any project which requires an Initial Study under the *California Environmental Quality Act* (CEQA), or adopting any zoning ordinance or development agreement, the City is required to find that the proposed project or legislation is consistent with the Priority Policies. The case reports and/or motion and decision letter for the required Certificate of Appropriateness will contain the analysis determining whether the proposed project is in conformance with the eight Priority Policies.

B. ENVIRONMENTAL EFFECTS

1	<u>Land Use</u> . Could the project:	<u>Yes</u>	<u>No</u>	<u>Discussed</u>
(a)	Disrupt or divide the physical arrangement of an established community?	_____	<u>X</u>	<u>X</u>
(b)	Have any substantial impact upon the existing character of the vicinity?	_____	<u>X</u>	<u>X</u>

The proposed project would not change the established land use on the site. The site was occupied by an apartment structure with five dwelling units from approximately 1935 until 1992. Developed properties in the immediate vicinity, atop Telegraph Hill, are also residential uses and so the proposed project would be compatible with the surrounding uses. The proposed project would step down the hillside and include terraces on each level. The project would have six floors, three rising above Alta Street and three on the hillside below Alta Street. Because it would be generally consistent in use with surrounding buildings, the project would not disrupt or divide the physical arrangement of the surrounding community nor would it have a substantial impact on the residential character of the vicinity. No further analysis of potential land use impacts is required, however the EIR will provide a brief land use section for informational purposes. Effects related to the relative size and mass of the proposed project to the surrounding properties and the historic district generally will be addressed in the Historic Architectural Resources section of the EIR.

2)	<u>Visual Quality</u> . Could the project:	<u>Yes</u>	<u>No</u>	<u>Discussed</u>
* (a)	Have a substantial, demonstrable negative aesthetic effect?	_____	<u>X</u>	<u>X</u>
(b)	Substantially degrade or obstruct any scenic view or vista now observed from public areas?	_____	<u>X</u>	<u>X</u>
(c)	Generate obtrusive light or glare Substantially impacting other properties?	_____	<u>X</u>	_____

The proposed project would result in a visual change, since it would add a new building that ranges in height from 32 to 82 feet (depending on the location on the site) to a site that has been vacant since 1992.

* Derived from State EIR Guidelines, Appendix G, normally significant effect.

The six-story (three stories above grade) structure would be Moderne in style and finished in cement plaster. The project would not alter the overall residential character of the existing neighborhood. In addition, the project would conform to all zoning regulations including height, dwelling unit density and setback requirements. As an infill residential project in an established neighborhood, compatible with the neighborhood's character, and in conformance with all zoning regulations, the project would not result in a substantial, demonstrable negative aesthetic effect. Potential impacts related to the project's compatibility with the Telegraph Hill Historic District are addressed below under the "Cultural" section and will be discussed in the Historic Architectural Resources section of the EIR.

Construction of a new building on the site would block public views from the sidewalk and street adjacent to the site and private views from the adjacent structure to the west and from buildings across Alta Street to the north. These views have only recently been available by virtue of the removal of the McNear building previously on the site. With three stories visible above street level, the project would be comparable in street-level height to the McNear building. The proposed project was designed to step down the face of the hill in a manner similar to the McNear building and other residential buildings in the vicinity. Scenic views to the north and east from the end of the developed portion (uphill) of Alta Street would be unaffected. Although noticeable, the change would be comparable to the results of the development on other sloping sites in San Francisco. The partial obstruction of views dominated by typical urbanized uses would not be considered substantial impairment of existing scenic views or vistas. However, in order to fully assess the potential effects on the Telegraph Hill Historic District, impacts resulting from the project's aesthetics and blockage of views will be discussed in the EIR.

The project would increase the amount of light emitted from the project site, but would not substantially increase ambient light levels in the project area. The project would not produce glare affecting other properties. Potential effects from light and glare created by the project will not be discussed in the EIR.

3) <u>Population</u> . Could the project:	<u>Yes</u>	<u>No</u>	<u>Discussed</u>
* (a) Induce substantial growth or concentration of population?	_____	<u>X</u>	<u>X</u>
* (b) Displace a large number of people (involving either housing or employment)?	_____	<u>X</u>	<u>X</u>
(c) Create a substantial demand for additional housing in San Francisco, or substantially reduce the housing supply?	_____	<u>X</u>	<u>X</u>

As a residential urban infill development on a site that formerly supported a residential structure, the project would not induce growth or a concentration of population. No people would be displaced, in terms of housing or employment, as a result of the project. The project would not increase demand for housing; it would add three condominium units to the local housing supply. Population and housing require no further analysis in the EIR.

4) <u>Transportation / Circulation</u> . Could the project:	<u>Yes</u>	<u>No</u>	<u>Discussed</u>
* (a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system?	_____	<u>X</u>	<u>X</u>
(b) Interfere with existing transportation systems, causing substantial alterations to circulation patterns or major traffic hazards?	_____	<u>X</u>	_____
(c) Cause a substantial increase in transit demand which cannot be accommodated by existing or proposed transit capacity?	_____	<u>X</u>	<u>X</u>
(d) Cause a substantial increase in parking demand which cannot be accommodated by existing parking facilities?	_____	<u>X</u>	<u>X</u>

The project would result in the addition of three residential units to an established residential neighborhood on a site that from 1935-1992 supported a five-unit residential structure. The increased demand on the local transportation system, including increased traffic and increased transit demand, would not cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system.

Project construction would create temporary adverse impacts on the transportation and circulation system in the vicinity of the site. Because the project site is located at the end of a narrow dead-end street it would likely be difficult for construction vehicles to negotiate movement along the street or turn around at the end of the street. Alta Street's intersection with Montgomery Street allows only right turns onto Montgomery, which is also a dead-end. This intersection and the dead-end of Montgomery would also be difficult for large vehicles to negotiate. As a result, it is likely that residents on Alta Street and parts of Montgomery Street would be inconvenienced due to the temporary need for portions of the street to be free of parked cars, vehicles blocking entrances to the streets, or slow moving vehicles.⁴ However, because of the temporary and intermittent nature of these impacts, they would not be considered significant.

The Telegraph Hill neighborhood has a shortage of on-street and off-street parking availability. The three-unit project would include parking for five vehicles and thus exceed the Planning Code requirement of one new off-street parking space for each new dwelling unit. The project would also result in the elimination of two on-street parking spaces due to the creation of a driveway to serve the building's garage. The net increase in parking of three spaces would be less than the project demand of

⁴ The Department of Public Works requires a street space permit for any use of the public right-of-way during construction and does not allow use of the sidewalk, driveways or streets in front of off-site properties without their owners' consent.

* Derived from State EIR Guidelines, Appendix G, normally significant effect.

five spaces.⁵ Thus, the project would incrementally increase the existing parking shortfall in the area. Increase in parking demand relative to supply would potentially result in drivers parking farther from their destinations. However, the incremental increase in demand generated by the project (2 spaces) would not be substantial, and would not be considered a significant effect. Transportation and circulation require no further analysis in the EIR.

5) <u>Noise</u> . Could the project:	<u>Yes</u>	<u>No</u>	<u>Discussed</u>
* (a) Increase substantially the ambient noise levels for adjoining areas?	_____	<u>X</u>	<u>X</u>
(b) Violate Title 24 Noise Insulation Standards, if applicable?	_____	<u>X</u>	<u>X</u>
(c) Be substantially impacted by existing noise levels?	_____	<u>X</u>	_____

Demolition, excavation, and building construction would temporarily increase noise in the site vicinity. The construction period, including demolition of the remnant building foundation, would last approximately 12 months. Construction noise levels would fluctuate depending on construction phase, equipment type and duration of use, distance between noise source and listener, and presence or absence of barriers.

During the construction period, temporary construction noise would be noticed by neighboring residents. Construction noise is regulated by the San Francisco Noise Ordinance (Article 29 of the City Police Code). The ordinance requires that noise levels from individual pieces of construction equipment, other than impact tools, not exceed 80 dBA at a distance of 100 feet from the source. Impact tools (such as jackhammers and impact wrenches) must have both intake and exhaust muffled to the satisfaction of the Director of Public Works. Section 2908 of the Ordinance prohibits construction work between 8:00 p.m. and 7:00 a.m., if noise would exceed the ambient noise level by five dBA at the project property line, unless a special permit is authorized by the Director of Public Works.

At times during construction, noise levels would disturb surrounding residents. There would be times when noise would interfere with indoor activities in nearby residences adjacent to the project site. Noise impacts would be temporary in nature and limited to the period of construction. Therefore, they are not considered significant environmental impacts.

As a development consisting of three residential units, on top of Telegraph Hill, and at the end of a dead-end street, the project would result in a minimal increase in traffic at area intersections, and it therefore would not result in perceptibly greater traffic noise levels than those existing in the area.

⁵ Based on demand of 1.5 spaces per multi-bedroom unit, from San Francisco's Department of City Planning *Guidelines for Environmental Review*, 1991.

* Derived from State EIR Guidelines, Appendix G, normally significant effect.

Title 24 of the California code of Regulations limits interior noise levels for new multi-family residential developments to 45 dBA. Noise reduction measures will be incorporated into the building design. Construction-related noise, effects related to noise-sensitive receptors, and operational noise anticipated following construction of the project would not be considered significant for reasons stated above, and will not be analyzed in the EIR.

6) <u>Air Quality/Climate</u> . Could the project:	<u>Yes</u>	<u>No</u>	<u>Discussed</u>
* (a) Violate any ambient air quality standard or contribute substantially to an existing or projected air quality violation?	_____	<u>X</u>	<u>X</u>
* (b) Expose sensitive receptors to substantial pollutant concentrations?	_____	<u>X</u>	<u>X</u>
(c) Permeate its vicinity with objectionable odors?	_____	<u>X</u>	<u>X</u>
(d) Alter wind, moisture or temperature (including sun shading effects) so as to substantially affect public areas, or change the climate either in the community or region?	<u>X</u>	_____	<u>X</u>

Air Quality

Construction of the project would temporarily affect local air quality. It would not involve the burning of any materials or the creation of any objectionable odors. Construction activities would temporarily affect local air quality for about 12 months, causing a temporary increase in particulate dust and other pollutants. Construction-related effects on air quality generally would be limited to emissions from construction equipment and construction workers' vehicles, as well as from limited demolition. The project sponsor would require the contractor to wet down the construction site twice a day during construction to reduce particulates by at least 50 percent; the use of covering soil, sand and other material; and street sweeping around demolition and construction sites at least once per day (see mitigation, p. 22). Construction-related effects would not be expected to increase the frequency of violations of air quality standards. According to the Bay Area Air Quality District (BAAQMD), the determination of significance with respect to construction emissions should be based on a consideration of the control measures to be implemented and not on a quantification of emissions. If all of the BAAQMD's standard recommended control measures will be implemented, then construction activities would be considered a less than significant impact. All of the BAAQMD's standard control measures are included in the proposed project.

Because of the project's limited size, there would be no measurable operational impacts on air quality. Potential air quality effects therefore require no further analysis and will not be included in the EIR.

* Derived from State EIR Guidelines, Appendix G, normally significant effect.

Shadow

The proposed project would cast shadow on surrounding properties and areas that are subject to regular public use, most notably the Grace Marchant Garden and the Filbert Steps, both features of the Telegraph Hill Historic District specifically referred to in Article 10, Appendix G of the Planning Code. Thus, shadow impacts of the project on these areas will be addressed in the EIR.

Wind

Wind impacts are generally caused by large building masses extending substantially above their surroundings, and by buildings oriented such that a large wall catches a prevailing wind, particularly if such a wall includes little or no articulation. The project itself would not be tall enough to be expected to generate substantial wind effects. Potential wind effects require no further analysis and will not be included in the EIR.

7) <u>Utilities/Public Services.</u> Could the project:	<u>Yes</u>	<u>No</u>	<u>Discussed</u>
* (a) Breach published national, state or local standards relating to solid waste or litter control?	_____	<u>X</u>	_____
* (b) Extend a sewer trunk line with capacity to serve new development?	_____	<u>X</u>	_____
(c) Substantially increase demand for schools, recreation or other public facilities?	_____	<u>X</u>	_____
(d) Require major expansion of power, water, or communications facilities?	_____	<u>X</u>	<u>X</u>

The proposed project would incrementally increase demand for and use of public services and utilities on the site and increase water consumption, but not in excess of amounts expected and provided for in the project area, and would not be expected to have any measurable impact on public services or utilities. This topic requires no further analysis and will not be included in the EIR.

* Derived from State EIR Guidelines, Appendix G, normally significant effect.

8) <u>Biology</u> . Could the project:	<u>Yes</u>	<u>No</u>	<u>Discussed</u>
* (a) Substantially affect a rare or endangered species of animal or plant or the habitat of the species?	_____	<u>X</u>	<u>X</u>
* (b) Substantially diminish habitat for fish, wildlife or plants, or interfere substantially with the movement of any resident or migratory fish or wildlife Species?	_____	<u>X</u>	<u>X</u>
(c) Require removal of substantial numbers of mature, scenic trees?	_____	<u>X</u>	<u>X</u>

The project site was occupied by a residential structure from 1935 to 1992. Remnants of the previous structure's concrete foundation remain on the site. The project would not affect any threatened, rare or endangered plant life or habitat. The project would not interfere with any resident or migratory species. The project would not result in the removal of a substantial number of trees. The proposed project would cast shadow on the Grace Marchant Garden, but would not have a substantial adverse effect on endangered plants or habitat of such plants. However, to assess the impacts on the Garden as an element of the Telegraph Hill Historic District, biological impacts of the project will be addressed in the EIR for informational purposes.

9) <u>Geology/Topography</u> . Could the project:	<u>Yes</u>	<u>No</u>	<u>Discussed</u>
* (a) Expose people or structures to major geologic hazards (slides, subsidence, erosion and liquefaction)?	_____	<u>X</u>	<u>X</u>
(b) Change substantially the topography or any unique geologic or physical features of the site?	_____	<u>X</u>	_____

The site has been subject to rockfalls several times since the 1960s. Most recently, in 1992, as a result of roadwork being performed on Alta Street by the City, the foundation of the McNear building that was located on the site at the time was undermined. The structure was ultimately deemed unsafe for habitation and was demolished by the City.

The project site is not located within a Seismic Hazards Study Zone (SHSZ) designated by the California Division of Mines and Geology (CDMG), as shown on the Map of Seismic Hazards Study Zones - Area of Liquefaction Potential (Map 4) of the San Francisco General Plan Community Safety Element. However, the history of the site, as described briefly above, indicates occurrences of hazardous land/rock movements at and near the site and it is located in an area susceptible to landslide as indicated on Map 5 of the San Francisco *General Plan* Community Safety Element.

* Derived from State EIR Guidelines, Appendix G, normally significant effect.

The proposed project would be required to conform to the San Francisco Building Code, which ensures the safety of all new construction in the City. The final building plans would be reviewed by the Department of Building Inspection (DBI). In reviewing building plans, DBI refers to a variety of information sources to determine existing hazards and assess requirements for mitigation. Sources reviewed include maps of SHSZs and known landslide areas in San Francisco as well as the building inspectors' working knowledge of areas of special geologic concern. In addition, the Building Code also contains provisions that require that grading on slopes of greater than 2:1, or where cut sections will exceed 10 vertical feet, must be done in accordance with the recommendations of a soil engineering report prepared by a California-licensed geotechnical engineer prior to construction. Potential geologic and landslide hazards would be mitigated during the permit review process through these measures.

Section 7(h) of Appendix G of the Planning Code requires that the required Certificate of Appropriateness application include a geologic study made by a licensed civil engineer for properties in the designated cliff areas. The property is not in a designated cliff area and therefore this provision does not apply to this site. However, the project sponsor has had geologic reports completed by licensed engineers. The findings of these reports will be discussed and evaluated in the EIR for informational purposes. This topic will be discussed further in the EIR for informational purposes.

10) <u>Water</u> . Could the project:	<u>Yes</u>	<u>No</u>	<u>Discussed</u>
* (a) Substantially degrade water quality, or Contaminate a public water supply?	_____	<u>X</u>	_____
* (b) Substantially degrade or deplete ground-Water resources, or interfere substantially With groundwater recharge?	_____	<u>X</u>	<u>X</u>
* (c) Cause substantial flooding, erosion or Siltation?	_____	<u>X</u>	_____

Due to the construction of a structure on a vacant site, the project would increase the area of impervious surface on the site and therefore would alter the drainage pattern of the site. Because the site is so steep, however, drainage patterns would not be substantially altered from their current patterns and runoff would continue to drain into the City's combined sanitary and storm sewer system. Conditions with regard to runoff would be similar to those that existed prior to demolition of the previous structure on the site. This topic requires no further analysis and will not be included in the EIR.

* Derived from State EIR Guidelines, Appendix G, normally significant effect.

11) <u>Energy/Natural Resources</u> . Could the project:	<u>Yes</u>	<u>No</u>	<u>Discussed</u>
* (a) Encourage activities which result in the use of large amounts of fuel, water, or energy, or use these in a wasteful manner?	_____	<u>X</u>	<u>X</u>
(b) Have a substantial effect on the potential use, extraction, or depletion of a natural resource?	_____	<u>X</u>	_____

The project would meet current state and local codes concerning energy consumption. It would not cause a wasteful use of energy. Energy consumption and natural resources require no further analysis and will not be discussed in the EIR.

12) <u>Hazards</u> . Could the project:	<u>Yes</u>	<u>No</u>	<u>Discussed</u>
* (a) Create a potential public health hazard or involve the use, production or disposal of materials which pose a hazard to people or animal or plant populations in the area affected?	_____	<u>X</u>	<u>X</u>
* (b) Interfere with emergency response plans or emergency evacuation plans?	_____	<u>X</u>	<u>X</u>
(c) Create a potentially substantial fire hazard?	_____	<u>X</u>	<u>X</u>

Other than for limited remnants of the concrete foundation from the building previously located on the project site, the project would not involve any demolition. As a result, there would be no hazardous materials disposed of as a result of demolition at the site. There is no history of on-site use of hazardous materials and therefore there would be no potential for exposure to hazardous materials by workers or residents. Hazardous materials issues do not require further analysis and will not be discussed in the EIR.

San Francisco ensures fire safety primarily through provisions of the Building Code and the Fire Code. Existing buildings are required to meet standards contained in these codes. In addition, the final building plans for any new residential project greater than two units is reviewed by the San Francisco Fire Department (as well as the Department of Building Inspection) in order to ensure conformance with these provisions. The proposed project would conform to these standards, which may also include development of an emergency procedure manual and an exit drill plan. In this way, potential fire hazards (including those associated with hydrant water pressure and emergency access) would be mitigated during the permit review process.

Further, because the project would be in an established residential neighborhood and the nature of the proposed use is the same as the use that occupied the site from 1935-1992, the proposed project would not interfere with emergency response/evacuation plans or create a substantial fire hazard by limiting

* Derived from State EIR Guidelines, Appendix G, normally significant effect.

access to the site or neighborhood to the Fire Department. Emergency response and fire hazard issues do not require further analysis and will not be discussed in the EIR.

13) <u>Cultural</u> . Could the project:	<u>Yes</u>	<u>No</u>	<u>Discussed</u>
* (a) Disrupt or adversely affect a prehistoric or Historic archaeological site or a property of historic or cultural significance to a community or ethnic or social group; or a paleontological site except as a part of a scientific study?	_____	<u> X </u>	<u> X </u>
(b) Conflict with established recreational, educational, religious or scientific uses of the area?	_____	<u> X </u>	<u> X </u>
(c) Conflict with the preservation of buildings subject to the provisions of Article 10 or Article 11 of the City Planning Code?	<u> X </u>	_____	<u> X </u>

Archaeological Resources

Because of the site's location on a steep hill, it is unlikely that any prehistoric cultural resources exist. Because the site supported a residential structure between 1935 and 1992, and because limited excavation is proposed as part of the project for installation of drilled piers and new foundations, it is unlikely that subsurface historic cultural resources, if any, would be disturbed. No further discussion of subsurface cultural resources will be included in the EIR.

Recreational Resources

The proposed project site is located adjacent to the Filbert Street right-of-way within which are located the Grace Marchant Garden (Garden) and Filbert Street Steps (Steps), both public recreational resources used by local residents and visitors to the neighborhood. Although the project would have the potential for adverse effects due to shadowing (as addressed above under the "Air Quality/Climate" section), there would not be the potential for the project to substantially diminish or conflict with the established recreational uses of the Garden and Steps. The Garden and Steps were used as recreational resources in a manner similar to how they are currently used during the period in which the McNear building occupied the project site. The site was in shade for much of the year due to existing topography and the presence of the prior building. Subsequent to construction of the proposed project, residents would likely continue to use these resources and the extension of private yards into the Garden as public open space. Similarly, visitors to Telegraph Hill would continue to use the Steps and visit the Garden. Further, construction activity for the proposed project would not result in direct impacts on the Garden or Steps. Recreational impacts of the project on these resources will, however, be addressed in the Land Use section of the EIR.

Historic Architectural Resources

The proposed project site is located in the Telegraph Hill Historic District, as established by Article 10, Appendix G of the Planning Code. The project would have the potential to affect this district. The

* Derived from State EIR Guidelines, Appendix G, normally significant effect.

project's potential effects on historic architectural resources and other contributing elements of the district as prescribed in the Planning Code will be discussed in the EIR.

C.	<u>OTHER</u>	<u>Yes</u>	<u>No</u>	<u>Discussed</u>	
	Require approval and/or permits from City Departments other than Department of City Planning or Department of Building Inspection, or from Regional, State, or Federal Agencies?	<u>X</u>	<u> </u>	<u>X</u>	
D.	<u>MITIGATION MEASURES</u>	<u>Yes</u>	<u>No</u>	<u>N/A</u>	<u>Discussed</u>
	1) Could the project have significant effects if mitigation measures are not included in the project?	<u>X</u>	<u> </u>	<u> </u>	<u>X</u>
	2) Are all mitigation measures necessary to eliminate significant effects included in the project?	<u> </u>	<u>X</u>	<u> </u>	<u>X</u>

The following are mitigation measures related to topics determined to require no further analysis in the EIR. The EIR will contain a mitigation chapter describing these measures, which are proposed as part of the project, and also including other measures which would be, or could be, adopted to reduce potential adverse effects of the project identified in the EIR.

Construction Air Quality

- The project sponsor would require the contractor(s) to sprinkle exterior demolition sites with water during demolition, excavation and construction activity; sprinkle unpaved exterior construction areas with water at least twice per day; cover stockpiles of soil, sand, and other material; cover trucks hauling debris, soil, sand or other such material; and sweep surrounding streets during demolition and construction at least once per day to reduce particulate emissions. Ordinance 175-91, passed by the Board of Supervisors on May 6, 1991, requires that non-potable water be used for dust control activities. Therefore, the project sponsor would require that the contractor(s) obtain reclaimed water from the Clean Water Program for this purpose.

E. ALTERNATIVES

Alternatives to the proposed project will be discussed in the EIR and will include the following:

- A. No Project: The site would remain in its existing vacant condition. No new development would take place on the site.
- B. Replacement Alternative: This alternative would involve the construction of a new structure on the site that would generally be a replica of the former Fred McNear Jr. Apartment Building that occupied the site from 1935 to 1992, except that this alternative, like the project, would include three residential units, rather than five units as existed in the prior building. Construction of this replacement structure would not create any new shadow effects or impacts to the Telegraph Hill Historic District when compared to the site's pre-1992 conditions, but could create new shadow impacts on surrounding properties and the Grace Marchant Garden when compared to existing conditions.

F. MANDATORY FINDINGS OF SIGNIFICANCE Yes No Discussed

- | | | | |
|--|--|--|---|
| <p>* 1) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or pre-history?</p> <p>* 2) Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals?</p> <p>* 3) Does the project have possible environmental effects which are individually limited, but cumulatively considerable? (Analyze in the light of past projects, other current projects, and probable future projects.)</p> <p>* 4) Would the project cause substantial adverse effects on human beings, either directly or indirectly?</p> | <p><u> X </u></p> <p><u> </u></p> <p><u> </u></p> <p><u> </u></p> | <p><u> </u></p> <p><u> X </u></p> <p><u> X </u></p> <p><u> X </u></p> | <p><u> X </u></p> <p><u> </u></p> <p><u> X </u></p> <p><u> </u></p> |
|--|--|--|---|

G. ON THE BASIS OF THIS INITIAL STUDY

- I find the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared by the Department of City Planning.
- I find that although the proposed project could have a significant effect on the environment, there WILL NOT be a significant effect in this case because the mitigation measures, numbers , in the discussion have been included as part of the proposed project. A NEGATIVE DECLARATION will be prepared.
- X I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.


 HILLARY E. GITEMAN
 Environmental Review Officer
 for

GERALD G. GREEN
 Director of Planning

DATE: October 7, 1998

APPENDIX B: LANDMARKS PRESERVATION ADVISORY BOARD FINAL CASE REPORT (AUGUST, 1985)

Note: Appendix to Case Report (including individual building listings) is not included here but is available at the Department of City Planning.

TELEGRAPH HILL HISTORIC DISTRICT

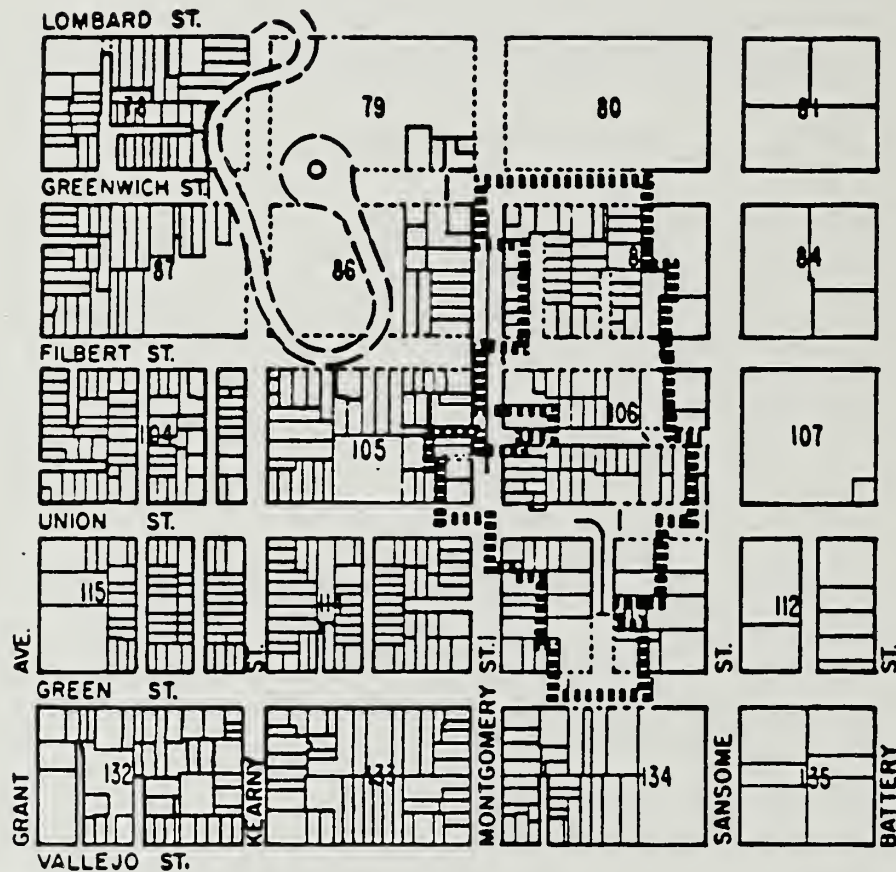
San Francisco

Prepared for

THE LANDMARKS PRESERVATION ADVISORY BOARD

by

Anne Bloomfield



Revised Boundary City Planning Commission

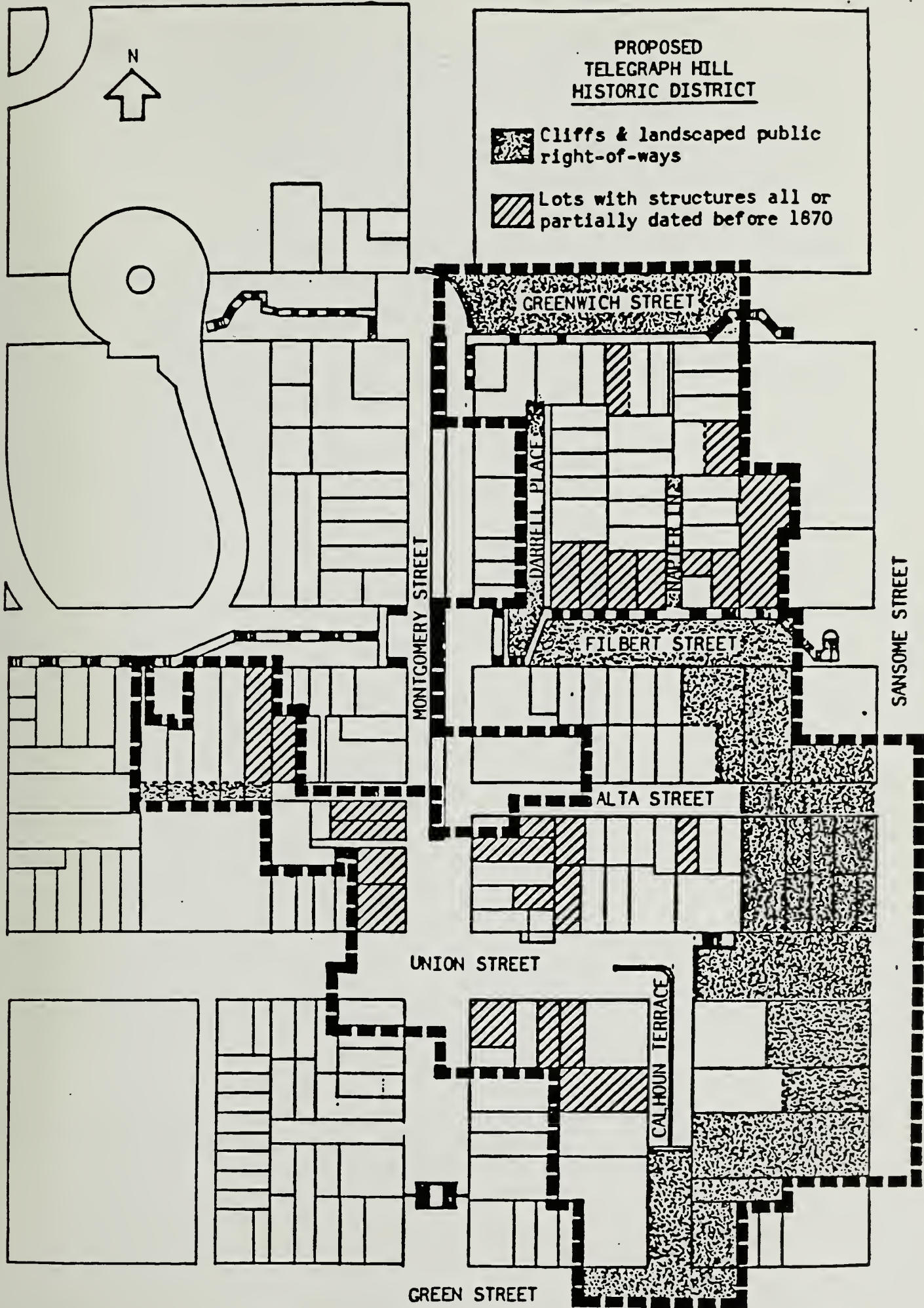
August 21, 1986

TELEGRAPH HILL HISTORIC DISTRICT

PROPOSED
TELEGRAPH HILL
HISTORIC DISTRICT

 Cliffs & landscaped public
right-of-ways

 Lots with structures all or
partially dated before 1870



NAME OF DISTRICT: Telegraph Hill

ADDRESSES: 1-62 Alta Street, 1-70 Calhoun Terrace, 20-62 Darrell Place,
211-283 Filbert Street, 220-260 Green Street, 221-285 Greenwich
Street, 1254-1308, 1301-1315, 1360 and 1470 Montgomery Street,
8-34 Napier Lane, 1235-1245 Sansome Street and 200-296 Union Street.

BLOCK & Lot: Portions of Blocks 85, 105, 106, 113 and 114. See Map.

ZONING: RH-3 and OS.

ORIGINAL USE: Residential and a few stores.

EXTERIOR MATERIALS: Rustic or clapboard wood siding; stucco; shingles.

OWNER: See separate list.

NUMBER OF STORIES: 1 to 4.

LPAB VOTE: 5-3 (1 absent).

STATEMENT OF SIGNIFICANCE:

(Describe special CHARACTER, or special HISTORICAL ARCHITECTURAL or AESTHETIC interest or value.) STATEMENT OF SIGNIFICANCE. Telegraph Hill is one of the most famous hills in the world, as well known as Sugar Loaf in Rio de Janeiro, and a visual landmark to sailors entering the bay since its European discovery from sea by Capt. Juan Manuel de Ayala in the San Carlos on August 5, 1775. The second recorded European explorer to enter the Bay, Capt. George Vancouver in 1792, specifically mentioned the fine anchorage he had between two promontories, one of which was Loma Alta, the original name for Telegraph Hill. Telegraph Hill is famous as "the hill that's been around the world" as great portions of it were blasted out for ballast in sailing ships, "ultimately to be used to pave the streets of various exotic places." (Lotchin) The Hill's present configuration is the historical expression of the ravages created by quarrying. The rock was used not only for ballast, but also to build "rubble" Gold Rush era warehouses, to fill the Bay for flatlands east of the Hill, and to build the seawall which stabilized San Francisco's waterfront. The last quarrying occurred as late as 1914.

The Historic District is a unique expression of the pattern of development which took place on the east slope of Telegraph Hill from 1850 to 1941. Topographical constraints shaped the original settlement of the Hill. The difficulty of access on hillside and cliffs, and the proximity to the City's most active waterfront area first produced a community of waterfront workers housed in "cloth lined" shacks and modest vernacular Gothic Revival houses. Intact groupings of these buildings remain within the district, and comprise the City's largest concentration of pre-1870 residential structures. While other areas of the City experienced on-going development through the nineteenth and early twentieth century, Telegraph Hill remained isolated. Bypassed by cablecar or streetcar lines and with vehicular access limited to Union Street, infill residential construction from 1870-1935 was limited to small scale vernacular construction stylistically comparable to the earliest development on the Hill, with flat facades and minimum ornamentation. Due to the cliffside location, steps, wooden walkways and a hidden network of footpaths developed throughout the area. Street paving of Montgomery and Alta in 1931 and Union and Calhoun in 1939-1940 improved general accessibility, and heralded new development in the area. Moderate property values facilitated infill construction of noteworthy and (then) innovative designs. Among these are Richard Neutra's International style Kahn House at 66-70 Calhoun Terrace (1939), and the Art Moderne Malloch Apartment Building at 1360 Montgomery Street (1936). This change in style, scale, and pattern of development completes the district's period of significance.

The steep cliffs, a decisive factor in determining the historic development pattern of the area, are a highly significant and aesthetically important component defining the setting of the district. The abrupt changes in grade produce dramatic and unique vistas at points throughout the district. Unimproved street rights-of-way are valuable open spaces ranging in character from the well-tended, renowned Grace Marchant Gardens and Valetta's Gardens on Filbert and Greenwich Streets, to the rock face cliffs of Green and Calhoun Streets.

EVALUATION CRITERIAARCHITECTURE

1. Style: Cottages in vernacular, Gothic Revival, Italianate and Classical Revival styles. Apartments in Italianate, vernacular and various late 1930s styles.
2. Construction Type: Frame (except brick at 1301 Montgomery).

3. Construction Date: 1852-1869 (25 structures, 32.5%), 1870-1905 (15 structures, 19.5%), 1906-34 (8 structures, 10%), 1935-41 (12, structures, 16%), post 1941 (17 structures, 22%) 77 structures total.
4. Design Quality: Some buildings are very early, and simple in design. Most respond creatively to the steep slope. A few are important examples of late 1930s styles. Some group together to form a "compound." The gardens and footpaths are a superb design element; with the cliffs they create an urban greenbelt.
5. Architect: Most owner-builders or occupant-builders. For 1935-41 structures: Richard Neutra, William Wurster, Gardner Dailey, Angus McSweeney, Irving Goldstine with Jack & Rolph Malloch, Louis Schalk, Fabre & Hildebrand.
6. Interior Quality: Not applicable.

HISTORY

7. Persons: Hiram Johnson, Governor, Senator, 1360 Montgomery, 1937-45.
Frieda Klusman, savior of the cable cars, 260 Green, 1935-current.
Grace Marchant, gardener & potter, 235 Greenwich then 8 Napier, 1933-82.
Dr. David G. "Yankee" Robinson, pioneer actor & producer, 9 Calhoun, 1854-56.
Helen Forbes, painter, 60 Alta, 1936-45.
Ralph Stackpole, sculptor, 37 Calhoun, 1928 (he is loosely connected with 37 Calhoun, intimately connected with 312 Filbert, out of the district).
Steve Bancroft, China Clipper pilot, 22 Alta, c. 1940.
Stanton Delaplane, newspaperman, 21 Alta, 1940.
David Myrick, writer, 261 Filbert.
Ward Albee, fireman & writer, 23 Napier & 40 Darrell, 1927-40.
Ian & Rose Hoeffler, builders of compounds, 38-60 Calhoun, 221 Filbert, 22-30 Alta, 1930s.
Charles "Tubby" Smith, prizefighter, 212 Union, 1905-08.
- Significantly long residencies:
- Bacigalupi family, fisherman, drayman, marbleworker, 9 Calhoun, 1877-current.
- Brown family, stevedore, Assemblyman (George, 1901), 228 & 230 Filbert, 1869-1959.
- Cooney family, grocer, house painter, notions, teacher, district owner-builder; 291 Union, 287-289 Union, 112-114 Alta, 1852-1937.
- Spediacci family, Speedy's New Union Grocery, 1914-current.
- Desmond & Valetta Heslett, commercial artist & gardener, 235 Greenwich, c. 1935-current.
- Artists: Cecilia Graham, 1308 Montgomery, 1940.
Marion Montague (Yureska), woodcarver, 1307 Montgomery, 1940.
Marjorie Slate, weaver, 291 Union, 1940.

8. Events: None.

9. Patterns of History: The steep slopes and limited access strongly influenced the architecture: waterfront workers' cottages and buildings that step down the hillsides and relate closely to their environment. Attracted by the hill's close proximity to the wharves and ready view of arriving ships with job possibilities, waterfront workers built minimal shelter here, often with scavenged materials. Artists came for cheap rents. Benign neglect preserved the buildings. When street paving first began to reduce isolation, moderate land costs permitted a few avant-garde buildings.

ENVIRONMENT

10. Continuity: All buildings relate to steep slope and contribute to garden setting by actual gardens or planters. Small scale throughout, in height, bulk and interiors. Footpath environment due to unpaved street rights-of-way, limited auto access, little parking, many private pathways.

11. Setting: Outstanding urban greenbelt vital to residents' sense of community and residential quiet, to migratory bird flyway. Steep site protects district from urban noise, traffic and other pressures, creates need for footpaths which inspire gardeners and foster local community.
12. Importance as a Visual Landmark: An integral element of San Francisco's cityscape.

INTEGRITY

Pattern of occasional remodeling well established in 19th century. About a dozen structures have integrity seriously impaired through late 20th-century remodelings such as asbestos siding, aluminum sash, unpainted shingles and added stories. The gardens in rights-of-way and on cliffs are continually in the process of recreation.

RATINGS

Here Today: 2 text pages, 6 photos, 10 Appendix entries--22 buildings in all.

DCP Survey 1976: 21 buildings; 11 rated 5, 1 rated 4, 5 rated 2, 4 rated 1. On Napier Lane and the Filbert Steps one surveyor commented, "Setting is 5--buildings are 0's, 1's, and 2's (maybe). Other buildings on steps should be included. . . ALSO the community garden makes the setting, acres of flowers and baby tears" (emphasis original).

BIBLIOGRAPHY:

PREPARED BY: Anne Bloomfield, consultant, 2229 Webster, SF 94115, 922-1063.
DATE: July 2, 1985
EDITED BY: Jonathan Malone, August 2, 1985.

7073B
JHM:vr

TELEGRAPH HILL HISTORIC DISTRICT

LOCATION AND BOUNDARIES. The Telegraph Hill Historic District consists of about 100 properties and the adjacent public rights-of-way, on the northeastern slope of Telegraph Hill within the area saved from the 1906 Fire, as shown on the attached Map. It contains portions of Assessor's Blocks 85, 105, 106, 113, and 114. The properties face variously on Alta Street, Calhoun Terraces, Darrell Place, Filbert Street, Green Street, Greenwich Street, Montgomery Street, Napier Lane, Sansome Street and Union Street, as detailed in the Survey of Individual Structures and Properties below.

STATEMENT OF SIGNIFICANCE. Telegraph Hill is legendary:

"The distilled essence for which San Francisco is Famous." Here Today, p. 59.

"First in historic interest" among the city's hills. Historic Spots in California, p. 363.

"San Francisco's most unique and magical living environment." David Gebhard, Guide..., p. 56.

The Historic District consists of Telegraph Hill's most characteristic residential features. There are two important groups of buildings and some unique open spaces. Nearly a third of the buildings are San Francisco's largest group of pre-1870 structures, eleven of them before 1860. It is the existing area best documented by 19th-century photographs. 1301 Montgomery is one of the City's three oldest brick buildings. The simple style, lack of bay windows and small scale of these very early waterfront workers' dwellings make them unprepossessing architecturally, but give today's viewer a real experience of life at a faraway time. The cliffs and hillsides and general difficulty of access shelter the District from the modern city, shape its residents into a special community and give them unparalleled views. The cliffs, street rights-of-way and adjoining private open spaces have become a wondrous garden. Part is minutely tended, its roses seeming bigger than the houses, its carpet of tiny baby tears the perfect scale for the tiny buildings. The rest of the garden grows wild with abundant plant varieties originally set there by gardeners.

It is a de facto refuge for dozens of varieties of birds both resident and migratory, an important stop on San Francisco's eastern flyway. Among all this is a second group of important buildings, constructed as infill 1935-1941

by experimental designers trying to make their reputations, a group containing several famous buildings and together describing the milieu out of which rose the Second Bay Tradition style of architecture.

ZONING AND LAND USE. All the property is zoned RH-3 except for a strip of C-2 zoning that fronts on Sansome. Height and bulk is 40-X, except fronting Sansome where it is 84-E, and except the unpaved public rights-of-way of Filbert and Greenwich, which are OS. Land use is either residential (primarily small apartments), garden, or slide-prone cliffs, except for one historic small grocery at the south west corner of Union and Montgomery. Zoning and land use are specified by parcel in the Survey below.

QUALITY RATINGS. The Telegraph Hill Historic District rates two text pages, six pictures and ten Appendix entries in Here Today, 22 buildings altogether. The DCP Architectural Survey of 1976 rates eleven buildings as a "5" (highest), one as "4", five "2" and four "1": 21 buildings. On Napier Lane and the Filbert Steps, one 1976 surveyor commented, "Setting is 5 -- buildings are 0's, 1's, and 2's (maybe). Other buildings on steps should be included . . . ALSO the community garden makes the setting, acres of flowers and baby tears" (original emphasis).

COMPATIBILITY. In the Survey below, 69 properties are rated compatible, 21 incompatible, and 11 potentially compatible. 'Compatible' means the exterior appearance of the property makes some contribution, however great or slight, to the District's sense of time and place. 'Incompatible' means the property was constructed after the District's period of significance or is so severely altered on the exterior that restoration is highly unlikely. 'Potentially compatible' means the property would become compatible if restored to its historic exterior appearance.

ARCHITECTURE AND OPEN SPACE. The Telegraph Hill Historic District buildings display, via both original construction and additions, architectural developments in low-income housing from the early 1850s up to the Second World War. They include a large and varied collection of dwellings built before 1869. Generally the variations in shape and roofline from one house to the next lead to a perception of each house as a separate entity, rather than as part of a row. Scale is very small in height and bulk, interior as well as exterior. Ornamentation is sparse. Bay windows virtually do not exist because so many of the houses predate

their popularity; instead there are balconies. Buildings tend to step down hillsides, either one separate cube after another or as a single stepped structure. So many houses turn their backs to or do not front on the formal paved streets and instead relate to the steep hillside that the setting of walkways, gardens and cliffsides is itself an integral part of the District.



LOOKING SOUTH INTO THE DISTRICT.

The typical structure is a rectangle in plan, often with additions of rear shed(s) and/or porch(es) on the downhill or view side. Usually it has a difference of one, two or more floors between its uphill and downhill sides. Often it is one story at access level with lower floors added as the hill drops. It is clad in rustic wood siding, laid horizontally, and it has a gable roof with either barge boards or false front. Ornamentation is restrained: window and door surrounds tend to be wide boards without moldings, though some have modest entablatures; barge boards may be fanciful but remain two-dimensional cut-outs; brackets and cornices on the false fronts tend to be of the simplest. There are no Queen Anne or Stick style houses. Windows are often double hung, often two-over-two or four-over-four, or else wooden casements. Each building has landscaping, at minimum flower box(es) and a few pots.



212 UNION STREET

The one overriding design element is the setting. So rigid is the nineteenth-century grid plan and so steep the hillside -- by nature, by quarrying until 1914 and by intermittent slides ever since -- that the major lengths of the District's public rights-of-way have never been paved streets and are not likely to become so. Several of them (Filbert, Greenwich, Napier, Darrell and parts of Alta and Union) have instead been developed as footpaths with steps and gardens where the landscaping blurs distinctions between privately-owned land and public right-of-way. Other "streets" (Green, Calhoun, Union, Alta) are so steep that even gardening is limited, and modern Sanborn insurance maps still read "Impassable for Teams." The District's highest point is at 1254-62 Montgomery Street, but the original hill has been cut away to make a flat, paved intersection there, 218 ft. above sea level. At first the hill descends manageably, to about 196 ft. where Union splits for Calhoun, and on Montgomery to 202 ft. at upper Alta, 193 ft. at lower Alta, 172 ft. at the top of the Filbert Steps and 160 ft. at the top of the Greenwich Steps. The downward slope from Union to Alta is gentle; Filbert lies in a hollow that goes down from both Alta and Montgomery; the midblock distance from Filbert to Greenwich is another gentle slope. Napier, Darrell, upper Alta and Calhoun are almost flat. Then come



1171 SANSOME STREET



GREENWICH STREET FROM SANSOME

the cliffs. Green jumps down 140 ft. in about 150 linear ft.; Calhoun's upper terrace starts 20 ft. higher and meets Green on the way down, all in 120 linear ft. From pavement end to Sansome, Union drops 170 ft. in 185 ft., and Alta drops 150 ft. in 185 ft. The cliff at Filbert is only about 40 ft. in 40 ft., but the garden on top rises another 130 ft. in 270 ft. Likewise on Greenwich, the cliff leaps 40 ft. in about 40 ft., and the gardens on top rise some 110 ft. in 270 ft.

These hills restrict the District's auto access to just one feeder street, Union to the west. It is a city planner's model district, fingers of green penetrating a very urban setting. Less than one-fourth of the buildings face on regular streets, Union and Montgomery; nearly one-third face narrow dead-end alleys, Alta and Calhoun; nearly half face only footpaths, Greenwich, Filbert, Darrell, Napier and parts of Union and Alta. There are many additional private pathways known only to residents in the immediate locality. All these footpaths have been turned into a feast for the eye, a gardener's delight. On Filbert, Napier and Darrell the paths are planking; on other "streets" they are concrete. Some cliffslides have concrete steps, others are too tall and/or too unstable for any kind of access at all. At Union Street the foot of the cliffs has had to be reinforced and fenced to protect Sansome Street from slides.



UNION STREET
AT SANSOME

Gardens fill the remainder of the public rights of way and spill onto private property. On the gentler slopes they



VALETTA'S GARDEN



GRACE MARCHANT GARDENS

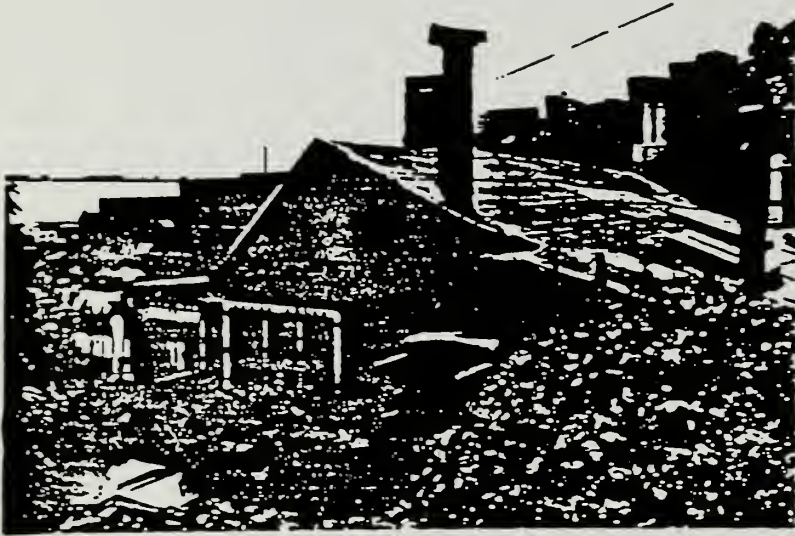
contain roses, camellias, fuchsias, lilacs, plerons and datura trees, banana plants and fruit trees. The ground is covered with baby tears. The green belt along Filbert is called Grace Marchant Gardens, after their long-term gardener; the one along Greenwich similarly is Valetta's garden. They are privately maintained. The cliff "gardens" are much more informal, an abundant plant community where 59 different species were observed during one three-hour period in 1982. Most are varieties that do not occur naturally in San Francisco and must originally have been planted there by someone. The plants help hold the hillside and give a wild appearance, providing sanctuary for many resident and migratory wild birds. One of the Hill's birdwatchers has compiled a list of 54 species observed from 1980-1982. The cliffs' verticality causes updrafts of air used by soaring birds of prey, and someone is said to feed the legendary parrots, which are here, too.

In the gardens and along the streets the typical structure described above occurs in several different building types. The smallest and most prevalent is the Greek Revival, Gothic Revival, Italianate or vernacular cottage. Sometimes a group of such cottages is scattered in a landscape to form a "compound," for instance at 235 Greenwich and formerly at 265 Union. Another type, constructed before 1870, is a three-story structure covering the entire front width of its lot and featuring balustraded balconies at two or three levels, visible in many historic photos. Examples remain at 31 Alta, 110 Alta (remodeled), 21 Napier, 1308 Montgomery (remodeled) and 291 Union. There is just one very early and simple flat-roofed brick commercial structure, stuccoed over 60 years ago and now residential. The District has no Stick-Style or Queen Anne houses. After 1906, infill buildings continued the two main types (minus balustrades), but sometimes with variations such as Colonial Revival ornament at 107 Alta and 293 Union, Craftsman windows at 118 Alta and 23 Napier, bay windows and stucco at 116 Alta, internal balconies on the vertical "Romeo" apartment at 273 Filbert.

Just before World War II, the District received a dozen new buildings of experimental designs; some of the architects graduated to fame: Richard Neutra, William Wurster, Gardner Dailey. These structures emphasize views and horizontality. They relate positively to their hillsides and gardens. All but one are stucco-faced. Ornament is sparse, individual to each and part of the wall plane. This group consists mainly of 22-30 and 60-62 Alta, 38-50 and 66-70 Calhoun, 261-265 and 267-71 Filbert, 260 Green and 1360 Montgomery.

Alterations have been occurring throughout the District's 133 years. Originally, many structures were plank-frame shacks apparently thrown up by their residents for

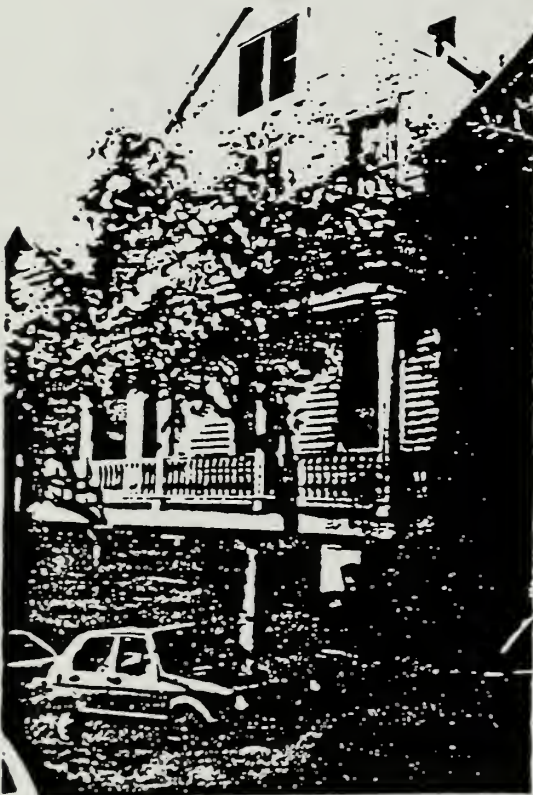
BUILDING TYPES



221 GREENWICH STREET



228 FILBERT STREET



31 ALTA STREET



THE HESLETT COMPOUND

elementary shelter. Similar residents later would add a room, or a shed or a balcony or a "modern" false front. Such changes are numerous, but only a few can be documented. 218-220 Filbert existed from 1862 as a small cottage, of which wide and irregular horizontal boards and battens are visible on the east side basement. In 1882 its owner signed a contract listed in California Architect & Building News for a "2-story frame building," today's first and second floors; some of its entry doors look like ones common about 1910. The existence of 10 Napier Lane can be traced back to the U.S. Coast survey map researched in 1857. This original board-frame cottage was set back 3-4 feet from the Napier right-of-way and can be distinguished today by a change in roof shape. The 1886 Sanborn map still shows the early



218-220 FILBERT STREET

10 NAPIER LANE



building, labeled "cloth lined." Shortly afterwards, the Italianate front was added. Similarly, 1254-62 Montgomery appears in 1886 as a one-story building only two units wide as photos so show it; by 1891, it was what we see today. Historic photos show the false front salesmen of the 1870s and 1880s as prevalent as the asbestos siding and aluminum sash salesmen of more recent years. 1301 Montgomery, the brick building of 1852, was stuccoed probably early in the twentieth century, perhaps as earthquake repair, but certainly well before a mid-1920s photo. It has also undergone substantial changes of entry, documented by permits for instance in 1910, 1915, and 1918, but its main character remains. Comparison of Sanborn maps over the years shows many a building with a constant core that has accumulated a string of rear additions and that may have gained or lost balconies or platforms. In recent years such changes have continued, adding new materials like aluminum, asbestos, and unpainted shingles. The Here Today survey of the mid-1960s documents many such alterations. Finally, there is the case of 1308 Montgomery, which was stripped and later partly restored. Alterations are part of the District's history and description.

HISTORY: INTRODUCTION. The Historic District's first two houses were built during the operation (April 1850-September 1853) of the semaphore, or visual telegraph, that stood near the site of Coit Tower to signal the arrival of ships, and that gave Telegraph Hill its name. By 1860 there were nine more houses that exist today in one form or another, and by the completion of the transcontinental railroad in 1869, some 25 houses, nearly 30% of the District's supply, were functioning. Continuing construction increased the stock by 18 buildings and several additions before the 1906 earthquake and fire. Their rescue from the fire is a whole story in itself. Another whole story is the quarrying that shaped Telegraph Hill's cliffs and left them subject to slides to this day. Between the 1906 fire and the 1941 beginning of World War II, 26 more buildings went up, including a group of architecturally significant ones beginning in 1935. By that year residents had commenced the gardens as we know them today.

During most of the District's period of significance, c. 1853-1941, the people who lived there were poor. The majority worked on the waterfront as longshoremen, stevedores, laborers, riggers, draymen or warehouse workers, or were the dependents of such men. The Hill was inaccessible except on foot, and its attractions for the waterfront workers lay in its cheapness and its views which could give advance notice of incoming ships so the men could hurry down and try to find work. In the twentieth century the

cheapness and views also attracted artists, the initial step toward today's upscale image, but as long as the District remained accessible only on foot, its poverty, visible in a 1920s photo, kept away anyone who could afford to live elsewhere. Only when the streets were paved -- Montgomery and Alta in 1931, Union and Calhoun in 1939-1940, did the economic picture begin to change. The poverty had caused construction of very modest dwellings; it preserved them and prevented their replacement; and in its waning years it permitted some artists and artist-minded people to hire fledgling architects to construct a remarkable group of experimental designs. In the 1980s affluence threatens these architectural remnants of a remote era (1400 Montgomery of the 1860s was replaced only in 1984), and to survive they need protective legislation.

HISTORY: BUILDINGS. It is impossible to determine whether the District's first extant building was 1301 Montgomery or 291 Union. Both appear on the U.S. Coast Survey map of 1853. The Montgomery Building (see historic photos) is an anomaly: the only brick structure anywhere in the neighborhood. Its pre-1870 photo shows a dignified and simple brick commercial building like many that appear down in the flat commercial district in R. G. Fardon's photos of San Francisco published in 1856. The 1853 map date indicates this building is older than all but two in the Jackson Square Historic District; it may be the City's oldest extant brick building. It is mentioned in Historic Spots in California (3rd edition, p. 363). What was such a building doing 200-odd feet above the waterfront? It may have been constructed on the assumption that the semaphore would attract a busy commerce. Maybe the owner had some kind of factory or brewery in mind. The speculative idea, whatever it was, seems not to have worked out, for the building has had a checkered history, quite unclear at this time. The Alcalde (mayor) granted the land in July, 1847 to Anthony Durkin, who had come with J. D. Stevenson's regiment from New York for the Mexican War and was later a policeman, then a brewer. Durkin and his wife Celia each signed with a mark their deed of this 50x50-foot lot to John Carter on January 14, 1850. The price was \$1,041, seven or eight times what was paid for the small lot of 291 Union in August of the same year, but one-third the price of 1252-1262 Montgomery in July. The January date is two-three weeks before the idea of the semaphore was published in the Alta newspaper. The price may indicate the brick building was already there, or it may simply reflect speculative land values that week. In any case, Carter sold the property to John Sweeney on 27 February 1851 for \$800. Sweeney in turn sold it to Thomas Johnson on 30 September 1851 for \$400. By 21 May 1853, when Johnson sold off the land for 1303 Montgomery to James

Rogers for \$700, the brick building (according to the Coast Survey map) must have been there; its flat roof just peeks over the horizon of a photo in the 1856 Fardon book. As for uses, the first may have been the salesroom and "manufactory on Telegraph Hill" for Dr. Robinson's Celebrated Vegetable Bitters, advertised on p. 156 of the 1852 Directory as "composed entirely of California Vegetables." Dr. Robinson's house at #9 Calhoun, at which he was listed in 1854, is not on the 1853 map, nor had he even bought the property by that date. His Bitters factory could have been here, or in Hudson's mill at 1252 Montgomery, or anywhere on the Hill. Certainly located in the brick building in 1854 was the grocery of owner Thomas Johnson. That makes two groceries in the District in 1854; there must have been houses full of customers nearby at that date, but only one other existing house has so far been documented quite so early. The brick building also housed Sigmund Friedlander's grocery from 1881 through 1886 (directories), a barber shop about 1915 (permit), a pool hall in the 1920s (photo), and John Ortega's soft drinks, prohibition equivalent of a saloon, in 1928 (directory). The turn-of-the-century owner was Herman Meisel, a grocer across the street. Eventually the use settled down as totally residential. A series of photos shows the building crisply brick before 1870, run down and mostly plaster covered in the 1920s, and freshly plastered in the 1970s.



291 Union Street

The land at 291 Union Street was granted by the Alcalde in 1848 to wharf owner Benjamin R. Buckelew, who sold it on 2 August 1850 for \$140 to John Cooney (1816-1879), whose heirs kept it in the family until 1937. Cooney bought the land next door, 287-89 Union, from Buckelew for \$130 in 1852. The first directory to list him on this block was 1854; he kept a grocery store here. In June 1861 he signed for water service for both lots; until then, the family must have been using one of Telegraph Hill's many natural springs. By the 1875 directory, the family house had a street number, 291 Union. They were John Cooney, his wife Hannah, his public-school teacher daughter Ellen, and his sons William and John who were in business together as house and sign painters. David Myrick tells many stories of the Cooney family. Apparently, John was born in Ireland, his wife and their first two children in England, and the next two were born in Australia, whence the house's lumber is said to have come, an improbable story. The house was the first known of Telegraph Hill's multi-storied, much-balconied houses. Its store lasted until 1906. Early photos show barge board eaves instead of the Italianate false front, which must have been added about the 1880s to modernize the house and perhaps make the attic more liveable.

The third known house was #9 Calhoun, property and residence of Dr. David G. "Yankee" Robinson (c. 1807-1856). His Vegetable Bitters aside, the WPA San Francisco Theatre Research tells the full history of this physician-comedian-theater entrepreneur and host to fellow actors. The next known resident (1861-1869) was Calvin Tisdale Blake. Edwin Foster occupied the house in the 1870s and signed for the water in 1872, but his application notes the original order had been for C. F. Blake. By 1877 Angelo, Giambetto, Luigi and Paul Bacigalupi were listed here. The family still owns and resides here, though the turn-of-the-century Block Book series shows the owner's name as Fopiano, presumably a relative.

After these first three, the order of construction blurs. In the early days water service dates could be years after construction, or lost; directories and the manuscript Census gave no street numbers; landowners were often absentee, or changed before the earliest Block Book too often to trace. But U.S. Coast Survey and Sanborn fire insurance maps show specific buildings at specific dates. David Myrick has gathered an immense amount of information in his 1972 book, San Francisco's Telegraph Hill. Building permits and the Here Today survey photos, now 20 years old, give some information on remodelings. Earlier historic photos also provide invaluable data. All these sources have been researched to provide the dates of earliest known occupancy

or other evidence. Any or all of the buildings may be older (or younger) than present knowledge indicates. Here is the approximate sequence of construction, from 1857-1870, and the first known occupants or owners:

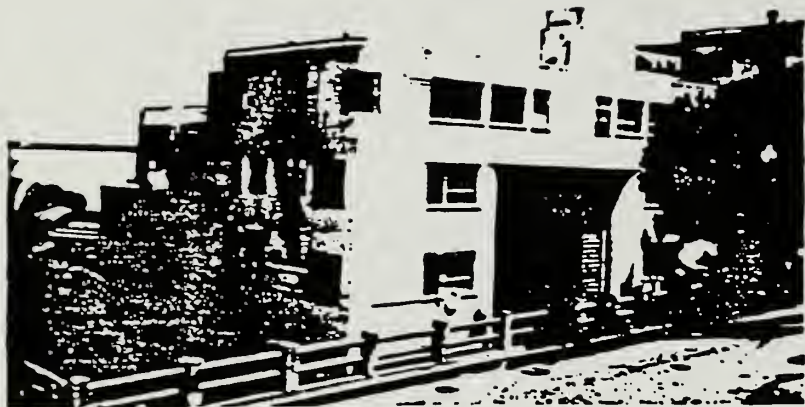
1857	221 Greenwich	George Mitchell, laborer
	237 Greenwich	John McDonough, longshoreman
	10 Napier (rear)	Mortimer "Murty" and John Clark, teamster & laborer
		Greenwich Dock Warehouse
	287-289 Union (altered)	John Cooney of 291 Union
1858	31 Alta	Richard Andrews, stevedore
	230 Fibert	William F. Ross, longshoreman
1859	224 Filbert	James Callaghan, laborer
		Friedlander's warehouse
	226 Filbert (moved on lot)	James Farley, laborer
	1304A Montgomery	Duncan Campbell, rigger
1861	218-220 Filbert (basement)	Patrick McDermott, laborer
	1254 Montgomery (2/3 of first floor)	Smith family
	1305-07 Montgomery (altered)	William B. Smith, stevedore
1862	21 Alta	Andrews of 31 Alta
1865	216 Filbert (altered)	Andrew Benson, stevedore
	1308 Montgomery (altered)	Joseph King, stevedore
	1309-11 Montgomery	Patrick Heffernan, laborer
	1313-15 Montgomery	Michael Carr, fireman on steamboat
1866	110 Alta	Patrick Moyles, laborer
		Greenwich Dock Bonded Warehouse
1867	290 Union (altered)	James McEvoy, longshoreman
1868	112-114 Alta	John Cooney (of 291 Union)
1869	228 Filbert	Philip Brown, longshoreman
	1303 Montgomery (altered)	John Allen, drayman

After this initial construction boom, which also included many houses now gone, all the other buildings in the District have been infill. Of the eighteen known before 1906 but after the 25 above, the other four on south Alta and the companion 212 Union appear to belong to the earlier group but cannot be reliably documented before an 1876 photo (a photo of uncertain date shows only No. 15 (demolished),

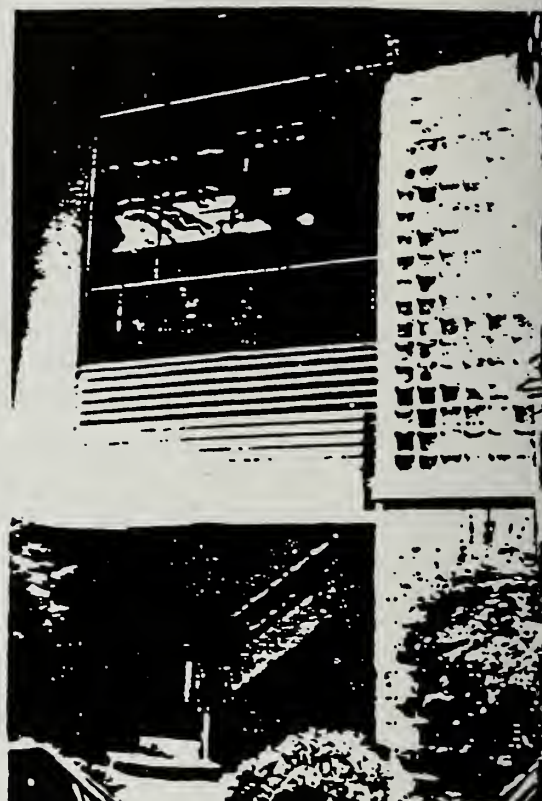
27 and 31 Alta). The infill construction continued Italianate in style for a long time: 10 Napier and 1254-62 Montgomery did not appear as we know them today until after the 1886 Sanborn map. The District seems to have skipped entirely the Stick and Queen Anne styles elsewhere so prominent among San Francisco's pre-fire buildings. The District remained the abode of waterfront workers and others in low-paid occupations who probably did any construction themselves as a sideline. The first thirteen buildings constructed after the fire, up to 1935, continued the basic simple type of appearance. They include a number of one-story houses, one of them mildly Mission Revival, and a Romeo flats building.

In the seven years beginning 1935, another construction boom came to the District, a boom of very special character, consisting of a dozen buildings rather experimental in style. The worst of the Depression was over, the streets were being paved, and Telegraph Hill had attracted quite a few poor artists and some friends who were not so poor. These people risked commissioning architects and other designers early in their careers, virtual unknowns who wanted to make reputations. Some of them did: Richard Neutra (66 Calhoun), William Wurster (60-62 Alta), Gardner Dailey (261 Filbert, altered), and Angus McSweeney (22-30 Alta) who was to be local architect for the new St. Mary's Cathedral. Others never achieved reputations but did contribute thoughtful and interesting designs to the District's stock of housing: 1360 Montgomery by Irvine Goldstine with and for Jack and Rolph Malloch; 38-50 Calhoun by and for Ian Hoeffler, proprietor-builder of Telegraph Hill compounds; 260 Green for Frieda and Dr. Hans Klussman by Louis Schalk, who never "made it" outside of Henry H. Gutterson's office. The one established firm, Fabre & Hildebrand, produced the most old-fashioned design, 40 Darrell. The others were contractor-builders who used at least some imagination in designing 1470 Montgomery, 267 Filbert, 42-46 and 52 Darrell. Some of the dozen buildings belong to the development of the "Second Bay Tradition," and it is possible the Telegraph Hill garden setting contributed to Wurster's "desire to create small-scaled usable space out of doors" (Gebhard, Guide . . . Northern California, p. 21) that became typical of this movement.

Construction has continued in the post-war period, though more slowly. Most of it is not remarkable. However, a few buildings (231 and 233 Greenwich, 25 Napier), constructed for people who know and love and understand the area, have been designed to blend inconspicuously with the pre-1869 structures.



1360 MONTGOMERY



1360 MONTGOMERY



22 ALTA



38-50 AND 68-70 CALHOUN

HISTORY: OPEN SPACES. Myrick gives the best information on the origin of the cliffs:

A hundred and twenty years ago, Telegraph Hill was considerably larger than it is today, and several processes account for the deterioration. In early times, ships were ballasted with rock from the Hill. Later as the City grew, peripheral streets were lowered to provide suitable grades for horse-drawn vehicles and to transform hillside lots into commercial property. But the greatest damage was done by those who quarried the rock for street paving and bulkhead work (p. 53).

The cliffs as we know them today took shape principally with construction of the sea wall sections from Filbert to Vallejo in 1884-1885, and with later quarrying. The contractors, says, Myrick:

Found the proximity of Telegraph Hill an irresistible temptation . . . With each blast the top of the Hill shrank westward, threatening the "old Rookeries," which dated back to the days of '49. A particularly heavy blast on the morning of June 1, 1884, brought down a large quantity of rock and a long series of landslides followed. Within the next year ten houses on Union, Calhoun, Alta and Green streets became uninhabitable; some slid off the cliff to become kindling wood (p. 55).

The cliff receded westward and became higher as it approached the crest of the Hill . . . Along with the tumbling houses, the flight of steps at Union Street became a casualty. Down below Sansome Street was cut through early in 1885 (p. 56).

At Green and Sansome Streets (the Gray brothers, biggest and worst quarriers) employed 30-40 men and produced 35,000 cubic yards (of crushed rock) annually in the early 1890s, the largest output in the city . . . Mixed with the rock was a lot of unstable shale which was susceptible of slippage, especially after a rain, a factor causing many problems on the Hill (p. 56).

For about three quarters of a mile the east and north faces of Telegraph Hill were marked with quarries . . . For twenty years the Gray brothers made life miserable and sometimes hazardous for

residents on the Twilight Side of Telegraph Hill (p. 56).

On the morning of March 27, 1907, a particularly heavy blast wiped out the northwest corner of Green and Calhoun . . . One house was hurled to the bottom of the cliff, almost sweeping a nearby 13-year-old girl to her death (p.61).

The quarrying ceased altogether by 1914, and photographs from the 1920s showed the cliffs still as rather barren rock slides. Vegetation developed over the years. The list of plant varieties identified one day in 1982, which includes very few California natives, supports the theory that the cliffsides were planted on purpose to grow "wild". Opel Morris of 22-30 Alta Street used to throw nasturtium seeds out her windows to cover the slope. Myrick records that Mrs. Alex Horr, who lived at 216 Filbert from at least 1928-1944, used to "sit in a bosun's chair to transform the cliff into a garden . . ." (p. 184).

Gardens there have always been alongside the houses. An 1864 photo on Telegraph Hill shows one well filled with ornamentals, and probably a kitchen garden on the side; the ten-member family is dwarfed by the vegetation. Bret Harte is said to have complained that goats browsed on the geraniums in his second-story windows (Historic Spots in California, p. 363). The waterfront workers of the nineteenth century must all have kept kitchen gardens of greater or less size, along with the legendary goats and chickens, all to help feed the hungry mouths. Another wonderful photo, dated 11 October 1904, shows a garden on the Greenwich Steps, with outlines of 21 and 23 Alta Street in the background; in the foreground is the spiritual ancestress of Grace Marchant, after whom the Filbert Steps Gardens are named; this woman is pointing a stick at her kitchen garden set among other tall plantings, while her son and daughter-in-law (seemingly) pose behind with the family cat.

The gardens as we know them today were begun by Valetta Heslett and her mother Grace Marchant (1986-1982) who moved into the 235 Greenwich Compound in 1933 and probably began gardening on the Greenwich Steps soon thereafter. When Mrs. Marchant moved to the corner of Filbert and Napier, she started the famous gardens there. A legendary figure, she is said to have pushed trash, abandoned refrigerators and even a small cottage at 221 Filbert (front) over the cliffside to make way for the gardens. When the City was planning new steps on Filbert in 1970-1971, the plans included the note: "Any trees or plantings disturbed or removed

shall be replaced by a tree or plant of equal value, quality, age and size." Plaques at Montgomery and at Napier also memorialize her work. Since her death in 1982, the gardens have been continued as a memorial. They should not be allowed to lapse.

HISTORY: THE 1906 FIRE. Telegraph Hill is the largest of the three islands surrounded by and saved from the 1906 fire (along with Jackson Square and Russian Hill). The map published in the 1907 U.S.G.S. Bulletin about the earthquake and fire shows the fire boundaries here to have been the waterfront and a line roughly following Union, Sansome, Green, Montgomery, Kearny, and Chestnut. The District boundaries include all but four of the structures on the Hill that escaped the fire, and they stay within the fire line except for 301-11 Union Street, Speedy's Grocery, which is included because the site has been a grocery most of the time since 1858, because it is the only remaining grocery of the number that used to exist in the District, because the Spediacci family who ran this grocery from many years have owned the property since 1915, and because this grocery is a special sociological phenomenon, part of the legend of Telegraph Hill too long to tell here. Speedy's is, and has long been, the vital communication center for this whole part of the Hill.

A photo of April or May 1906, taken from Russian Hill, shows three of the four corners intact at Union and Montgomery; it shows the Alta Street buildings, and Pioneer Park. The fire had reached Telegraph Hill on the third day, Friday the 20th of April, 1906. The open spaces of Pioneer Park helped the inhabitants to beat back the fire, and their story was told by Henry Anderson Lafler (quoted in Thomas & Witts, The San Francisco Earthquake, p. 239):

It was the boys of the hill that saved the hill. It was Toby Irwin, the prizefighter, and Tim O'Brien, who works in the warehouse at the foot of the hill, and his brother, Joe, who works in a lumberyard, and the Dougherty boys, and the Volse boys, and Herman, the grocery clerk -- it was they who saved the hill.

It was the old Irish woman who had hoarded a few buckets of water through the long days of fear and rumor and who now came painfully toiling up the slopes with water for the fire -- it was she who saved the hill.

It was the poor peasant Italian with a barrel of cheap wine in his cellar who now rolled it out and

broke its head in with an axe, and with dipper and bucket and mop and blanket and cast-off coat fought the fire till he dropped -- it was he who saved the hill.

It was Sadie who works in the box factory and Annie who is a coat finisher and Rose who is a chocolate dipper in a candy shop who carried water and cheered on the boys to the work -- it was they who saved the hill.

It was a great, brave, roistering fight of all the dwellers on the hill for their homes and their lives, and gloriously they won.

HISTORY: THE PEOPLE. Those who lived in the District have already been indicated as poor, as waterfront workers, as Irish names in the beginning. Italians came to join them with the great migrations of the 1880s. Spanish names came after 1910. Many came via Australia or Hawaii. Many of them stayed at one address for a long time or moved only to another house on Telegraph Hill. They were a remarkably tenacious group, very much family oriented, according to Census data.

An understanding of working conditions on the docks from the 1850s on helps one envision what the neighborhood was like and why the buildings look as they do. Dockworkers' unions could be short-lived, company-run or non-existent. There were many more willing workers than jobs to be filled; competition for work was intense and wages were low. A seawall investigation in 1885 reveals that some employers insisted on paying the men in goods or through specific boarding house keepers whose services they were required to use. Quarrier George Gray testified that he had no trouble finding laborers at 17-1/2 cents an hour: "There are thousands of them there every day." (Enos, p. 98). Anytime a ship came in, longshoremen hoping for work would run to its dock and stand in the "shapeup," a semicircle around the pierhead where the foreman stood and pointed to the men he chose. Many were not chosen. It must have been terribly demoralizing. Harry Bridges has recalled that, soon after settling in San Francisco, "I spent close to a couple of years 'pirating' on the waterfront, which means trying to find a job wherever and whenever it might be by standing around in front of the docks and waiting for a job . . . 24 hours a day, certainly 16, 18 hours a day, there was always a large group of men standing outside the docks, see, ready and willing . . . They were pretty desperate, hard up, wanted to eat, hungry . . ." (Larrowe, p. 9-10)

The 1880 Census indicates the same condition; the enumerator asked and wrote down the number of months in the

previous year the person was out of work. Michael Thornton at 222 Filbert was out all twelve months; Michael Gibney at 235 Greenwich and Patrick Murphy at 22 Napier didn't work for eight months; Patrick Hilliard at 21 Napier was out of work for six months; Timothy O'Brien at 22 Napier for four months, and so on. All these men were laborers or long-shoremen, though Michael Thornton soon became a grocer. One can imagine that in some of the stretches between jobs they worked on improving their houses, or raised some food, or recovered from work injuries, or helped their wives find paying lodgers -- the Census reports a lot of lodgers as well as large families in these houses. Yet Patrick McDermott, who told the Census taker he had been laid off half a year in 1880, in August 1882 signed a \$2,500 contract for someone else to add two stories to his house at 218-220 Filbert, the only contract in the District found in California Architect and Building News. Life was hard, but they managed.

In the twentieth century, a number of artists came, attracted by the low rents and the good views and the Bohemian life. At first they were simply a part of the poor community; later they became a community of their own, with more and more hangers-on. The only ones reliably located so far are painter Desmond Heslett at 235 Greenwich, muralists Helen Forbes and Dorothy Puccinelli Cravath (frescoes in the Mothers' House, S.F. Zoo) at 60 Alta, actor Dr. David Robinson at 9 Calhoun, writer David Myrick at 261 Filbert, and at the previous structure of 265 Union, jeweler Pete Macchiarini, painter Wolo and composer Rudolph Friml. Dancer Mayris Chaney Martin often entertained Eleanor Roosevelt at 60 Alta. Another influential politician, Sen. Hiram Johnson, lived at 1360 Montgomery from 1937-1945.

SURVEY OF INDIVIDUAL STRUCTURES AND PROPERTIES. The survey on the following pages begins with the plant list and the bird list. For early buildings the so-called "owner" is usually the first known occupant who may or may not have been the owner. He is generally assumed to have constructed the building himself.

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PHOTOGRAPHERS: Michael Alexander and Jean Milligan.

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1254-1262 MONTGOMERY STREET

APPENDIX G TO ARTICLE 10**TELEGRAPH HILL HISTORIC DISTRICT**

SEC. 1. FINDINGS AND PURPOSES. The Board of Supervisors hereby finds that the area known and described in this ordinance as the Telegraph Hill Historic District contains a number of structures having a special character and special historical, architectural and aesthetic interest and value, and constitutes a distinct section of the City. The Board of Supervisors further finds that designation of said area as an Historic District will be in furtherance of and in conformance with the purposes of Article 10 of the City Planning Code and the standards set forth therein, and that preservation on an area basis rather than on the basis of individual structures alone is in order.

This ordinance is intended to further the general purpose of historic preservation legislation as set forth in Section 1001 of the City Planning Code, to promote the health, safety and general welfare of the public. (Added by Ord. 442-86, App. 11/13/86)

SEC. 2. DESIGNATION. Pursuant to Section 1004 of the City Planning Code, Chapter II, Part II of the San Francisco Municipal Code, the Telegraph Hill Historic District is hereby designated as an Historic District, this designation having been duly approved by Resolution No. 10786 of the City Planning Commission. (Added by Ord. 442-86, App. 11/13/86)

SEC. 3. LOCATION AND BOUNDARIES. The location and boundaries of the Telegraph Hill Historic District shall be as designated on the Telegraph Hill Historic District Map, the original of which is on file with the Clerk of the Board of Supervisors under File 115-86-35, which Map is hereby incorporated herein as though fully set forth. (Added by Ord. 442-86, App. 11/13/86)

SEC. 4. RELATION TO CITY PLANNING CODE. (a) Article 10 of the City Planning Code is the basic law governing historic preservation in the City and County of San Francisco. This ordinance, being a specific application of Article 10, is both subject to and in addition to the provisions thereof.

(b) Except as may be specifically provided to the contrary in this ordinance, nothing in this ordinance shall supersede, impair or modify any City Planning Code provisions applicable to property in the Telegraph Hill Historic District, including but not limited to existing and future regulations controlling uses, height, bulk, lot coverage, floor area ratio, required open space, off-street parking and signs. (Added by Ord. 442-86, App. 11/13/86)

SEC. 5. STATEMENT OF SIGNIFICANCE. Telegraph Hill is one of the most famous hills in the world, as well-known as Sugar Loaf in Rio de Janeiro, and a visual landmark to sailors entering the Bay since its European discovery by Capt. Juan Manuel de Ayala in the *San Carlos* on August 5, 1775. The second European to enter the Bay, Capt. George Vancouver in 1792, specifically mentioned the fine

anchorage he had between two promontories, one of which was Loma Alta, the original name for Telegraph Hill. Telegraph Hill is famous as "the hill that's been around the world" as great portions of it were blasted out for ballast in sailing ships, "ultimately to be used to pave the streets of various exotic places" (Lotchin). The Hill's present configuration is the historical expression of the ravages created by quarrying. The rock was used not only for ballast, but also to build Gold Rush era warehouses (in a combination of brick and stone known as rubble), to fill the Bay for flatlands east of the Hill, and to build the seawall which stabilized San Francisco's waterfront. The last quarrying occurred as late as 1914.

The Historic District is a unique expression of the pattern of development which took place on the east slope of Telegraph Hill from 1850 to 1939. Topographical constraints shaped the original settlement of the Hill. The difficulty of access on hillside and cliffs, and the proximity to the City's most active waterfront area first produced a community of waterfront workers housed in "cloth lined" shacks and modest vernacular Gothic Revival houses. Intact groupings of these buildings remain within the District, and comprise the City's largest concentration of pre-1870 structures. While other areas of the City experienced ongoing development through the nineteenth and early twentieth centuries, Telegraph Hill remained isolated. Bypassed by cablecar or streetcar lines and with vehicular access limited to Union Street, infill residential construction from 1870—1935 was limited to small-scale vernacular construction stylistically comparable to the earliest development on the Hill. Due to the cliffside location, steps, wooden walkways and a hidden network of footpaths developed throughout the area. Street paving of Montgomery and Alta in 1931 and Union and Calhoun in 1939—1940 improved general accessibility, and heralded new development in the area. Low property values facilitated real estate development. Owners retained an array of architects who produced a collection of noteworthy and (then) innovative designs. Among these are Richard Neutra's International Style Kahn House at 66—70 Calhoun Terrace (1939), and Irvine Goldstine's Art Moderne Malloch Apartment Building at 1360 Montgomery Street (1936). This change in style, scale and pattern of development punctuates the district's period of significance.

The steep cliffs, a decisive factor in determining the historic development pattern of the area, are a highly significant aesthetically important component defining the setting of the District. The abrupt changes in grade produce dramatic and unique vistas at points throughout the District. Unimproved street rights-of-way are valuable open spaces ranging in character from the well-tended, renowned Grace Marchant and Valetta's Gardens on Filbert and Greenwich Streets, to the rock-face cliffs of Green and Calhoun Streets. (Added by Ord. 442-86, App. 11/13/86)

SEC. 6. FEATURES. The architectural features of the said Historic District that should be preserved are described and depicted in the Landmarks Preservation Advisory Board's case report with appendix titled "Telegraph Hill Historic District," adopted August 7, 1985, as amended by the City Planning Commission, which is hereby incorporated herein and made a part hereof as though fully set forth. (Added by Ord. 442-86, App. 11/13/86)

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SEC. 7. ADDITIONAL PROVISIONS FOR CERTIFICATES OF APPROPRIATENESS. The procedures, requirements, controls and standards in Sections 1005 through 1006.8 of Article 10 of the City Planning Code shall apply to all applications for Certificates of Appropriateness in the Telegraph Hill Historic District. In addition, the following provisions shall apply to all such applications; in the event of any conflict or inconsistency between the following provisions and Article 10, those procedures, requirements, controls and standards affording stricter protection to the Historic District shall prevail.

(a) **Character of the Historic District.** The standards for review of all applications for Certificates of Appropriateness are as set forth in Section 1006.7 of Article 10. For purposes of review pursuant to said standards, the character of said Historic District shall mean the architectural features and historic open space of the Telegraph Hill Historic District referred to and described in Section 6 of this ordinance.

(b) **Height.** Buildings should relate to the height of structures immediately adjacent and in the general area with the intent that the building should be contained within an envelope that slopes upward or downward with the slope of the property.

(c) **Alterations and New Construction.** Alterations and new construction shall be compatible with the nearby contributory buildings within the Historic District, and shall conform to the following provisions:

(1) **Style.** New construction in a contemporary idiom is encouraged, with specific regulation as follows:

(a) Bay windows and porticos are not characteristic of the District, and are discouraged.

(b) Porches and balconies are characteristic design features of the District, and are encouraged.

(c) Gable roof forms are encouraged.

(d) The mass of new buildings should relate to the topographical contour of the site, and be compatible with adjacent buildings.

(e) Horizontal rustic wood siding is the traditional building material in the District, and its use is encouraged over other surfacing materials, including wood shingles. Masonry surfaces may be appropriate in subareas with a concentration of Art Moderne or International Style building.

(f) Fenestration should be proportionate and in scale with traditional patterns within the District. Wooden sash is encouraged over aluminum or other metal sash.

(g) Detailing should relate to the simple, straightforward traditional vernacular forms found in the District.

(2) **Landscaping.** All applications for Certificates of Appropriateness for construction shall include landscaping plans for required yards, setbacks and areas counting toward useable open space requirements of Section 135 of the City Planning Code. All construction activities, such as but not limited to demolition, storage of construction materials, excavation, and application of concrete and other chemicals shall be conducted to minimize interference with historic gardens in public rights-of-way and in historic gardens adjoining them. Fences shall not obstruct views of private gardens abutting historic public rights-of-way.

(3) **Access.** Access for demolition and/or construction shall utilize existing paths, steps and walkways. The project sponsor shall replace in kind and value any

landscaping features on public space which may be damaged or destroyed by such activities.

(d) **Wooden Walkways and Steps.** Existing wooden steps on Filbert Street and boardwalk on Napier Lane shall be maintained as unique contributors to the setting of the District.

(e) **Public Rights-of-Way.** Unimproved sections of public rights-of-way shall be treated as open space. In such spaces gardens are encouraged: Ornamental gardens where the terrain slopes gently, and “natural” gardens elsewhere. Changes in the existing circulation patterns shall not be made except when such change is clearly preferable to provide for public safety.

(f) **Street Furniture.** Street furniture including but not limited to lighting fixtures, trash receptacles, and benches shall require a Certificate of Appropriateness. Such features shall complement the scale and character of the District.

(g) **Demolition.** Demolition of Contributory and Contributory/Altered buildings shall be subject to the maximum controls allowed under Article 10 of the City Planning Code. A demolition permit shall not be issued until all other required permits for new construction have been approved. No application for a demolition permit shall be deemed complete until all building permits for the replacement structure have been approved.*

(h) **Cliffs.** Applications for Certificates of Appropriateness proposing new construction on lots located upon the cliff areas of the District shall conform to the following provisions:

(1) Applications shall include geological studies made by a licensed civil engineer whose principle practice area is rock mechanics.

(2) At the hearing on the Certificate of Appropriateness pursuant to Sections 1006.2(b) and 1006.3, the Planning Commission shall determine whether the construction proposed by the applicant will have a reasonable probability of endangering life, limb, or property due to landsliding or structural failure. The Planning Commission’s determination shall be based upon the geological studies submitted by the applicant or any interested party, as well as based upon testimony from, but not limited to, geotechnical and structural engineers.

(3) If the Planning Commission finds, based on the evidence presented at the hearing, that there is a reasonable probability that the proposed construction will endanger life, limb, or property of any person due to landsliding or structural failure, the Planning Commission shall disapprove the Certificate of Appropriateness.

(4) If the Planning Commission determines that the proposed construction can be safely undertaken without endangering life, limb, or property of any person due to landsliding or structural failure, the applicant shall take a “soft” approach to cliff retention, such as rock bolts and prestressed tendons, in order to preserve the integrity of the cliffs.

(i) **Significance of Individual Buildings to the Historic District.** The history of each parcel within the Historic District is documented on the survey worksheets (Appendix A to the Telegraph Hill Historic District Case Report). Each building is assigned a finding from the three following categories:

(1) **Contributory.** This category identifies buildings which date from the Historic District’s period of significance and retain their historic integrity. These structures are of the highest importance in maintaining the character of the Historic

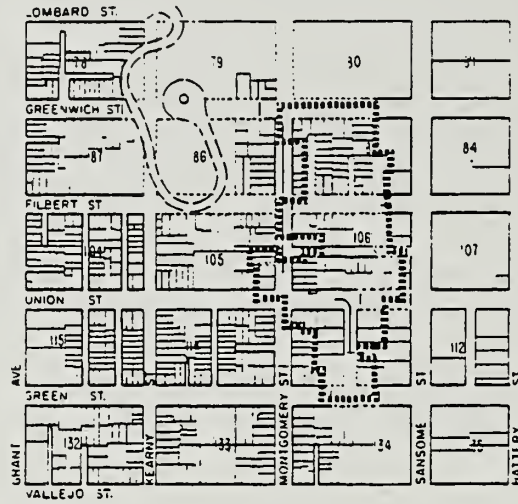
District. The maximum suspension period allowable under Article 10 shall be imposed on applications for demolition of Contributory buildings.

(2) **Contributory/Altered.** This category identifies buildings which date from the Historic District's period of significance but have had their historic integrity compromised by inappropriate alterations. Appropriate restoration of such buildings is encouraged. The maximum suspension period allowable under Article 10 shall be imposed on applications for demolition of Contributory/Altered buildings. If a building in this category were to be appropriately restored, the category designation may be amended to "Contributory."

(3) **Noncontributory.** This category identifies buildings which postdate the Historic District's period of significance. Demolition permit applications for these buildings will be processed without reference to the suspension provisions of Article 10. Alterations to Noncontributory buildings would require Certificate of Appropriateness review in order to minimize conflicts with the historic character of the District. (Added by Ord. 442-86, App. 11/13/86)

* It is not the intent of this section to prohibit consideration and approval of permits for new construction and demolition on the property while it is subject to the demolition prohibition set forth herein.

SEC. 8. PAINT COLOR. Nothing in this legislation shall be construed to regulate paint colors within the District. (Added by Ord. 442-86, App. 11/13/86)



Revised Boundary City Planning Commission

August 21, 1986

TELEGRAPH HILL HISTORIC DISTRICT

SAN FRANCISCO DEPARTMENT OF CITY PLANNING

CHAPTER X

EIR AUTHORS AND CONSULTANTS; ORGANIZATIONS AND PERSONS CONSULTED

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There were no organizations or persons consulted other than those already listed in the references of individual sections of the EIR.

